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CONSTITUTIONAL CONVENTION, 1967-68.

OF THE

STATE OF MARYLAND.

Chamber of the House of Delegates

State Capitol

Annapolis, Maryland

November 9, 1967 - 10:00 a.m.

HONORABLE H. VERNON ENEY,
PRESIDENT

Reported by:

C. J. Hunt

1 THE PRESIDENT: The Sergeant at Arms will clear
2 the aisles and close the doors.

3 The Convention will please come to order.

4 The invocation today will be offered by the
5 Reverend John Mason of St. Paul Episcopal Church, Piney
6 Parish, Waldorf, Maryland. Reverend Mason.

7 REVEREND MASON: Let us pray. Almighty God,
8 whose kingdom is everlasting, and power infinite, have
9 mercy upon this whole land, and so rule the hearts of
10 any servants, the President of the United States, the
11 Governor of this State of Maryland, and all others in
12 authority, that they, knowing whose ministers they are,
13 may above all things seek Thy honor and glory, and that we
14 and all the people duly considering whose authority they
15 bear may faithfully and obediently honor them, according
16 to Thy blessed word and ordinance. More specially, most
17 gracious God, we humbly beseech Thee for our delegates
18 to the Constitutional Convention here assembled, that Thou
19 would be pleased to direct and prosper all their consul-
20 tations, to the advancement of Thy glory, and the safety,
21 honor and welfare of Thy people, that all things may be so

1 ordered and settled by their endeavors, upon the best and
2 surest foundations, that peace and happiness, truth and
3 justice, may be established among us for all generations.

4 Grant to these delegates, oh, Lord, a vision
5 of this State, fair as it might be in the fulfillment of
6 Thy purpose, a state of justice, where none shall prey
7 upon others, a state of plenty, where greed and poverty
8 shall be done away, a state of brotherhood, where success
9 is founded upon service, and honor is given to nobleness
10 alone; a State at peace, where order shall not rest upon
11 force, but upon the love of all for each and each for all.

12 Grant to these delegates, oh, Lord, a right
13 regard for the differences in individuals and in groups,
14 and in understanding of diversity, in Thy manifold
15 design for life. Imbue them with that clarity which
16 dissolves bitterness and by the operation of Thy Holy
17 Spirit, moving in the minds of men, diminish their dissen-
18 tions and divisions that peace with righteousness may flour-
19 ish and abound. Grant to these delegates at this time
20 the special gifts of wisdom and understanding of counsel
21 and strength, that upholding that which is right, and

1 following that which is true, they may obey Thy holy will,
2 and fulfill Thy divine purpose. All of which we ask
3 through Jesus Christ, our Lord. Amen.

4 THE PRESIDENT: Roll call.

5 (Whereupon, the roll call was taken.)

6 Has every delegate answered roll call? The
7 Clerk will record the roll call.

8 There being a quorum present, the Convention
9 is in session.

10 The Chair recognizes Delegate Powers, Chairman
11 on Calendar and Agenda.

12 DELEGATE POWERS: Mr. President, I move the
13 adoption of today's Calendar.

14 THE PRESIDENT: Is there a second?

15 (Whereupon, the motion was seconded.)

16 All in favor, signify by saying Aye; contrary,
17 No. The Ayes have it. It is so ordered. The Calendar
18 is adopted.

19 The first order of business, reports of other
20 standing committees.

21 (There was no response.)

1 THE PRESIDENT: Committee Recommendation No.
2 GP-4. The Clerk will read the recommendation.

3 MR. QUILLEN: Committee Recommendation No.
4 GP-4 by the Committee on General Provisions, Elroy G.
5 Boyer, Chairman, A Recommendation that the Constitution
6 include a provision on consumer protection to read as fol-
7 lows.

8 THE PRESIDENT: Recommendation GP-4 is referred
9 to the Committee of the Whole.

10 Committee Report No. EB-1.

11 MR. QUILLEN: Committee Report No. EB-1, by
12 the Committee on the Executive Branch, A Report on the
13 proposed omission from the Constitution of Article II,
14 Section 22 and 23, relating to the Secretary of State,
15 Article IV, Section 45, relating to the coroner, notaries
16 public, elisors; Article V, Sections 1 to 6 relating to
17 the Attorney General; Article VI, Section 1-6 relating to
18 the Comptroller and Treasurer, and Article VII, Sections
19 to
20 2 and 3, relating/surveyors and State librarians of the
present Constitution.

21 THE PRESIDENT: Committee Report No. EB-1 is

1 referred to the Committee on Calendar and Agenda. Are
2 there any other reports, Mr. Clerk?

3 MR. WAGONHEIM: There will be, but there are none
4 here.

5 THE PRESIDENT: The next item of business, intro-
6 duction and first reading of proposals. You should have
7 on your desk two memoranda by Delegate Finch. One is a
8 supplemental amendment accompanying Delegate Proposal
9 No. -- supplemental memorandum accompanying Delegate
10 Proposal No. 419, and the other is a memorandum accompany-
11 ing Delegate Proposal No. 285. Delegate Proposal No. 445.
12 The Clerk will read the proposal.

13 MR. QUILLEN: Delegate Proposal No. 445, by
14 Delegate Fornos, A Proposal that no statute, regulation by
15 State agency, nor ordinance by municipality or political
16 subdivision of the State shall be valid if it restrains or
17 hampers the freedom of normal commercial or contractual
18 activities between those engaged in intra-state trading
19 in legal commodities: -- unless the prohibitions or man-
20 dates contained therein, directly protect the health, safe-
21 ty or welfare of the citizenry of the State.

1 THE PRESIDENT: Delegate Proposal No. 445 is
2 referred to the Committee on Local Government.

3 I should announce that accompanying Committee
4 Recommendation No. GP-4 is Committee Memorandum No. GP-4.

5 Are there any motions or resolutions?

6 (There was no response.)

7 If not, the Chair recognizes Delegate Powers.

8 DELEGATE POWERS: Mr. President, I move the
9 Convention resolve itself into the Committee of the Whole
10 for the purpose of considering orders of the day, subject
11 to Debate Schedules Nos. 1 and 2 previously adopted.

12 THE PRESIDENT: Is there a second?

13 (Whereupon, the motion was seconded.)

14 Before putting the motion, let me -- I will
15 hold those announcements until later. All in favor of the
16 motions to resolve into the Committee of the Whole, signify
17 by saying Aye; contrary, No. The Ayes have it. It is
18 so ordered.

19 The Committee of the Whole will come to order.

20 (Whereupon, at 10:13 o'clock a.m., the Conven-
21 tion resolved itself into the Committee of the Whole.)

1 (The mace was removed by the Sergeant at Arms.)

2 THE CHAIRMAN: We are at the point on which
3 Section 3.04 is still subject to amendment. Just before
4 the Committee of the Whole arose yesterday, the Chair had
5 recognized Delegate James Clark, and he still has the
6 floor. We spent a great deal of time yesterday in debating
7 various amendments with respect to Section 3.04. There
8 are still some amendments to be offered dealing with this
9 same problem of the size of the legislature. Since the
10 adjournment of the session, of the Convention yesterday,
11 there have been some conferences in an effort to bring
12 to a quick decision the question as to the size of the
13 legislature. In an effort to do this, ^{to} present clearly
14 to the Committee of the Whole what seemed to be the prob-
15 able two alternates, the following procedure has been
16 agreed upon.

17 Delegate Clark, James Clark, as you all know,
18 desires the floor in order to present a motion for an
19 amendment to Section 3.04, providing for fractional
20 representation or fractional voting. In order to present
21 very clearly to the Committee of the Whole what appear to

1 be the two alternates as to size of the General Assembly,
2 he will yield the floor to Delegate Sherbow, who will
3 propose an amendment that the legislature, the size of the
4 legislature be limited to 120 in the House of Delegates and
5 40 in the Senate.

6 The Committee is very anxious that its recom-
7 mendation be submitted to a vote and accordingly Delegate
8 Banberger will move an amendment to Delegate Sherbow's
9 amendment, submitting to the Committee of the Whole a
10 proposition that the legislature shall consist of a House
11 of Delegates of 108 members and a Senate of 36 members.

12 This will afford the Committee of the Whole the
13 opportunity to vote on these two propositions, 36-108;
14 if that is defeated, then the 40-120. As will appear from
15 the course of the discussion, if the 36-108 amendment is
16 adopted, Senator Clark still desires to present his plan
17 for fractional voting and will be recognized in order to
18 do so. If the Committee of the Whole adopts the 40-120
19 ratio, Delegate Clark will not desire to present his plan
20 for fractional voting.

21 The Chair recognizes Delegate Clark.

1 DELEGATE CLARK: In accordance with the explan-
2 ation, I yield the floor to Delegate Sherbow.

3 THE CHAIRMAN: The Chair recognizes Delegate
4 Sherbow.

5 DELEGATE SHERBOW: Mr. Chairman; thank you,
6 Delegate Clark.

7 I wish to offer an amendment to Page 1, Section
8 3.04, the effect of which will be to strike out the
9 words "one hundred five" and insert "one hundred twenty."
10 The amendment is ready and will be passed out, and I am
11 personally asking the members of the Committee to please
12 add the name after Sherbow, James, Sybert, the name of
13 E. J. Clarke, C-l-a-r-k-e.

14 I am prepared now, if it is in order to move
15 the adoption of the amendment, but I don't know whether it
16 has been passed around yet.

17 THE CHAIRMAN: The Clerk will read the amend-
18 ment. This will be Amendment No. 8. Please number it
19 No. 8, to Committee Recommendation No. LB-1, and as re-
20 quested, please add to the sponsoring delegates the name
21 of Delegate Clarke, C-l-a-r-k-e. The Clerk will read the

1 amendment.

2 MR. QUILLEN: Amendment No. 8 to Committee
3 Recommendation No. LB-1 by Delegates Sherbow, James,
4 Sybert and E. J. Clarke: On Page 1, Section 3.04, titled
5 Composition of the Legislature, Line 24, strike out the
6 words "one hundred five" and insert in lieu thereof the
7 words "one hundred twenty".

8 THE CHAIRMAN: The Chair recognizes Delegate
9 Sherbow for the purpose of moving the amendment.

10 DELEGATE SHERBOW: Mr. Chairman, I move the
11 adoption of the amendment. I would like to add only one
12 word.

13 THE CHAIRMAN: We will give you that opportunity
14 as soon as the amendment is seconded.

15 (Whereupon, the motion was seconded.)

16 You may proceed.

17 DELEGATE SHERBOW: Members have asked me why
18 we don't have in here some reference to the number of
19 Senators. This is an amendment to Section 3.04, and it
20 therefore will read as follows: "The number of members of
21 each House of the Legislature shall be as prescribed by

1 law, but the number of delegates shall not exceed one hun-
2 dred twenty and the Senators shall be one-third the number
3 of delegates."

4 That is the explanation I wish to make.

5 THE CHAIRMAN: The Chair recognizes Delegate
6 Bamberger.

7 DELEGATE BAMBERGER: Mr. Chairman, I desire to
8 offer an amendment to Amendment No. 8 to Committee Recom-
9 mendation LB-1. If it is available, I will deliver it
10 to the desk.

11 THE CHAIRMAN: I understand the amendment is on
12 its way, and I understand further, Delegate Bamberger,
13 that the effect of the amendment is to change one number.

14 DELEGATE BAMBERGER: The effect of the amendment
15 is to change in Amendment No. 8 the words "one hundred
16 twenty" to the words "one hundred eight". The effect
17 is, as Delegate Sherbow has pointed out, to provide for
18 a Senate of 36 members and a House of Delegates of 108
19 members.

20 THE CHAIRMAN: The amendment is on its way over
21 and in order to save us time, in the absence of objection,
~~the Chair would be disposed to permit debate to continue~~



1 on these two amendments, the printed amendment to be
2 delivered to your desk within the next five minutes or so.
3 Is there any objection?

4 Is Delegate Bamberger's amendment seconded?

5 DELEGATE GALLAGHER: Yes, Mr. Chairman, I so
6 move.

7 The Committee of the Whole will please come
8 to order.

9 The question arises on the adoption of Amendment
10 1 to Amendment 8, the effect of which would be to change
11 the words "one hundred twenty" in Line 4 of the amendment
12 to the words "one hundred eight". The Chair recognizes
13 Delegate Bamberger to speak in favor of the amendment.

14 DELEGATE BAMBERGER: Mr. Chairman, ladies and
15 gentlemen of the Convention and of the Committee, because
16 of the procedure under which we operate in the Committee
17 of the Whole, this body would not reach the point at which
18 it could deliberate upon and vote upon the Committee's
19 recommendation of a Senate of 35 and a House of 105 until
20 we had discussed each and every section and each and every
21 amendment to each and every section of Committee Report



1 LB-1. At that time we would then vote on the adoption of
2 all of those sections as amended. Now, in this case, in the
3 case of particularly Section 3.04, where we are talking
4 about the numbers in the Senate and the House, it forces
5 us to entertain a number of motions, of amendments,
6 with varying numbers, without ever being able to have be-
7 fore us the specific question which the Committee brought
8 to this body, that is, the Senate of 35 and a House of 105.

9 I would have offered that as an amendment to
10 Delegate Sherbow's amendment if I could, but I am advised
11 that under the rules of procedure that would, in effect,
12 be an amendment which addressed itself to the main ques-
13 tion and which would be equivalent to a rejection of
14 Delegate Sherbow's amendment. So we have offered the
15 nearest number to it, 36 and 108, in effect and for all
16 practical purposes, and for every purpose the recommenda-
17 tion of the Committee on the Legislative Branch.



1 I would not dare, and certainly do not think
2 I need to repeat, all of the debate in which we were all
3 involved for so many hours yesterday. It was all said and
4 said ably by the Chairman of the Committee and said by
5 many more than once, said by many in response, in opposition
6 to every amendment which was offered to the committee's
7 report.

8 We do not come without support from members of
9 the General Assembly.

10 The Chairman yesterday read the names of those
11 members of the General Assembly who testified before the
12 committee and who stated that they found from their
13 experience that the General Assembly would be a better
14 body, a more deliberative body, a more responsive body
15 if its numbers were reduced from the present 142 and 43.

16 I hope that you will give the credence that
17 it deserves to the recommendation of the Legislative Branch
18 Committee.

19 It is difficult on the floor of this committee
20 to repeat all of the testimony, all of the deliberations,
21 the considerations which were considered by the committee,

1 but I assure you that not one thing has yet been said
2 on the floor of this committee which was not said before
3 the Committee of the Legislative Branch and which was not
4 discussed fully and dispassionately and reasonably by
5 the members of that committee.

6 THE CHAIRMAN: Delegate Bamburger, you have a
7 little less than a minute.

8 DELEGATE BAMBURGER: We specifically considered
9 the proposal which is made by Delegate Sherbow, a senate
10 of 40 and a house of 120, and for all the reasons which
11 have been said, said more than once, this committee by
12 an overwhelming majority rejected that and settled upon the
13 vote, the recommendation, the 35 and 105.

14 I urge you to support the committee. I urge
15 you not only for that reason but for all of the intelligent
16 arguments which I think have been made in support of our
17 recommendation to vote for this Amendment, to have a senate
18 of 36 members and a house of 108.

19 THE CHAIRMAN: Delegate Malkus?

20 DELEGATE MALKUS: Will the gentleman yield?

21 DELEGATE BAMBURGER: Yes, indeed.

1 DELEGATE MALKUS: What is the average under
2 your proposal for the House of Delegates and the Senate?

3 DELEGATE BAMBURGER: The average what, Senator?

4 DELEGATE MALKUS: The average amount under your
5 proposal.

6 DELEGATE BAMBURGER: You mean the number of
7 constituents which would be in the district? I will yield
8 to the Chairman, who has the committee's files with all
9 that information.

10 THE CHAIRMAN: Delegate Gallagher.

11 DELEGATE GALLAGHER: Senator Malkus, on the basis
12 of 35-105 --

13 DELEGATE MALKUS: I am talking about the 36.

14 DELEGATE GALLAGHER: There is a few thousand
15 variation.

16 The figure was, I believe, 37,700 for each
17 delegate and approximately 115,000 for each senator, so
18 you would reduce it slightly.

19 I can calculate it by dividing it into the
20 projected population in 1970, but it would be about that.

21 The Chairman. Delegate Malkus?

1 DELEGATE MALKUS: Mr. President, I certainly
2 knew what the old formula would be. Heavens no, I
3 haven't got that memorized, but I think if we are going to
4 go into this very serious subject matter and throw these
5 numbers around, Heaven only knows we ought to be able to
6 answer the questions.

7 I do not think that is too unreasonable,
8 when we ask about a proposal, when we know what will be
9 the average population in the House and the Senate.

10 We are in a serious business now. We are not
11 just playing tiddlywinks and talking a lot to be heard,
12 but these things we ought to know, and I want to defend
13 the General Assembly in Maryland. Usually when they come
14 to the floor in such a case, they do know what they are
15 talking about.

16 THE CHAIRMAN: Delegate Gallagher.

17 DELEGATE GALLAGHER: On the basis of the 36
18 senators, Senator Malkus, using the 1970 projected population
19 of 3,960,000, you would have per senate district, 110,000
20 persons represented, and per house district, 36,200
21 persons represented.

1 THE CHAIRMAN: Delegate Malkus.

2 DELEGATE MALKUS: What are the figures for the
3 1960 census which we are still opperating under?

4 THE CHAIRMAN: Delegate Gallagher?

5 DELEGATE GALLAGHER: Senator, the round figure
6 is 3,100,000, but I will give it to you precisely in
7 a moment.

8 DELEGATE CLARKE: 3,188,000.

9 DELEGATE GALLAGHER: Thank you very much,
10 3,188,000.

11 DELEGATE MALKUS: Of course, I knew what the
12 population of the State of Maryland was. Anybody in this non-
13 orable body knows what that is, or should know what it is.

14 I want to know what the formula is under this
15 proposal under the 1960 census as far as what was the
16 size of the House, average size of the House, as far as
17 membership of the House and Senate is concerned.

18 THE CHAIRMAN: I assume that Delegate Gallagher
19 thought you could make the division, but I see he is
20 doing so. If you will give him a moment, he will give
21 you the figure.

1 DELEGATE MALKUS: Mr. President, I am not very
2 good at arithmetic.

3 THE CHAIRMAN: Delegate Malkus, if you will
4 bear with him, he will have it for you in just a moment.

5 DELEGATE MALKUS: Thank you very much; I will wait.

6 THE CHAIRMAN: Delegate Gallagher.

7 DELEGATE GALLAGHER: Mr. Chairman, in round
8 figures, if you apply 36 and 108 on the basis of the 1960
9 census, you would have one senator per 88,000, and one
10 house member per 29,000 population.

11 THE CHAIRMAN: Delegate Sherbow.

12 DELEGATE SHERBOW: I did not know if the
13 delegate from Dorchester County was through or not.

14 THE CHAIRMAN: Had you finished your inquiries,
15 Delegate Malkus?

16 DELEGATE MALKUS: Mr. President, I am going
17 to have to take the gentleman's word for it.

18 I am going to have to look into it and get
19 my auditor to go ahead and figure this thing out, but I
20 question as to whether these figures are right. I mean
21 they don't look right to me. I haven't figured them out.

1 I am going to have to go ahead and do some work on them.

2 THE CHAIRMAN: To give you an opportunity to do
3 this, in order to have the record, I will ask the Reading
4 Clerk at the moment to read Amendment No. 1 to Amendment
5 8 to Committee Recommendation LB-1.

6 MR. QUILLEN: Amendment No. 1 to Amendment No. 8
7 to Committee Recommendation No. LB-1, by Delegates Bamberger,
8 Hanson and Sollins.

9 In line 4 of Amendment N.. 8, strike out the
10 words "one hundred twenty" and insert in lieu thereof the
11 words "one hundred eight."

12 THE CHAIRMAN: Does Delegate Weidemeyer desire
13 to speak against the amendment?

14 DELEGATE WEIDEMEYER: I just want to call
15 to the Chair's attention and to the delegates' that if they
16 are interested in the population figures of the state
17 and the various counties, they will find those figures
18 in the memorandum accompanying Proposal 224.

19 THE CHAIRMAN: Thank you.

20 Does any delegate desire to speak in opposition
21 to Amendment No. 1 to Amendment No. 8?

1 Delegate Sherbow?

2 DELEGATE SHERBOW: Mr. Chairman, ladies and gentle-
3 men of the committee, I would ask you at this time to
4 vote against the amendment to the amendment. For
5 clarification's sake, I shall not refer to them by those
6 terms, but I ask you to vote against the amendment which
7 calls for 108 members of the House of Delegates, and at the
8 appropriate time, to vote for the amendment which calls
9 for 120 members of the House of Delegates.

10 First, let me say, for this assemblage,
11 that I have only the highest praise for the Committee of the
12 Legislative Branch. They not only have performed magnifi-
13 cently, but in their explanations to this body, even where
14 the Chairman may have disagreed with his committee, his
15 explanations were lucid, they were clear, and they were
16 absolutely honest and fair.

17 I have the absolutely distinct feeling that we
18 have reached a stage in these deliberations where we have
19 to get off the the dime. We are in a situation now where
20 we give consideration not alone to what the committee has
21 done; we give consideration not alone to the General

1 Assembly, but I beg of you to give consideration to the
2 people of Maryland and to the people of each and every
3 political subdivision who are used to the traditional
4 method of representation in the General Assembly, which
5 has been changed by the law of the land.

6 When the Supreme Court spoke, that is the law.
7 We have to face up to it, and in the traumatic experience
8 that has followed insofar as some of the smaller areas
9 are concerned, they, too, have got to live with the law
10 of the land, but we who are here assembled have an obligation
11 to the entire state, and we can best serve that obligation
12 by fairness to all who are concerned, not an unwieldy
13 general assembly too large for efficient operation; not too
14 small so that it will be one that will not permit representa-
15 tion on a fair and adequate basis, but in between.

16 What is in between and fair: We cannot put this
17 through a computer and come up with the right answer because
18 it is a judgment factor. We have got to exercise our
19 judgment. We have to weigh all of the decisions that are
20 inherent in this kind of a development in modern political
21 life, and in doing so, we should attempt to give the

1 maximum representation, even to the sparsely settled
2 counties because they are still a part of the state of
3 Maryland, thank God.

4 I believe that at the same time we have to make
5 certain of the efficient operation of the General Assembly.
6 Now when the committee came up with its recommendation
7 of 35-105, I do not know that you could have had too
8 great a quarrel with it at its first examination, but
9 as the debates continued, we began to recognize and to see
10 that perhaps this convention should give a greater weight
11 to the problem of under-representation in the smaller
12 areas.

13 We have at the present time 1042 members of the
14 House of Delegates. Maybe it is not as efficient as
15 you would like. Maybe it is even more efficient than
16 you think.

17 Again, this is a matter of judgment, but to
18 cut back at one fell swoop from 142 to 105, or 108, this
19 is too great.

20 THE CHAIRMAN: Delegate Sherbow, you have
21 a little less than one minute.

1 DELEGATE SHERBOW. It is the kind of a
2 reduction that leaves in this state the kind of source that
3 ought not exist.

4 In fairness to the General Assembly and its
5 operation, in fairness to the people of the entire state,
6 in fairness to the people who will not have specific
7 representatives, I urge you to vote against this
8 amendment to the amendment presented by Delegate Bamberger,
9 and then at the appropriate time, to vote for the
10 amendment which we have offered.

11 Thank you.

12 THE CHAIRMAN: Any other delegate desire
13 to speak in favor? Delegate Gallagher?

14 DELEGATE GALLAGHER: Mr. Chairman, ladies
15 and gentlemen of the committee, with the statutory deadline
16 which we have looking at us we hardly have the luxury of
17 being able to say that we are going to fight it out on
18 this line if it takes all summer. I would not want to
19 suggest that at all. I do suggest to you, however, that
20 what we have before us this morning is rather important
21 in terms of what is going to happen for the rest of this



1 convention.

2 I say to you that if each and every recommendation
3 of each of the committees is going to come in here with no
4 presumption whatsoever in its favor, that we have some
5 difficult days ahead, and we may not complete this project
6 upon which we have labored so long and so industriously, and
7 I think in fighting it out yesterday, one of the things
8 which I certainly had in mind was the fact that this first
9 committee report was going to set a precedent. Ifelt it
10 would work. I know the other chairmen feel the same way
11 and that is why I was delighted yesterday when Delegate
12 Sherbow was kind enough to indicate his agreement with
13 35-105. But he feels the winds have changed and they may
14 well be, that the winds have changed, but we may well make
15 a significant change this morning, but I rise to suport
16 36 and 108. It is a good way from the 80-120 that we
17 had a ten to ten tie on in the committee. I am not trying
18 to suggest that we possess all wisdom, and that 35and 105
19 was exactly right. Certainly to go to 36 and 108 is not
20 much of a concession and we may lose with it, and if we do
21 we will lose gracefully, and I want to say that perhaps

1 yesterday, in the heat of debate, I was a little sharper
2 than I should have been. After a good night's sleep, I
3 feel a lot more congenial towards the world this morning,
4 as I hope you do.

5 I also know that I caught last night in the
6 voting a feeling of frustration on the part of the members,
7 "Let's vote for something and get it over with." That is
8 perfectly human and understandable. At the same time, those
9 old pros who are in this legislation, who fought many a
10 battle in the legislature, know this device quite well and
11 they have the stamina and determination to fight that kind
12 of a battle and I would hope that our physical discomfort
13 might not prevail over our intellectual conviction, because
14 if it does, we are going to have a constitution which may
15 accommodate our personal, bodily predispositions, but I
16 doubt if it would do much for the State of Maryland over the
17 long run.

18 We have laid out a map in which we would be
19 able to show you the 35 and 105, that no more than two
20 counties would be combined together in a single senatorial
21 district. Well, with 36 and 108, this naturally can be



1 accomplished the same way, so that the question of the
2 long haul is not as significant as you might think.
3 We are not lumping together areas which require you to
4 go 300 miles from one end to the other, but what I think
5 we are doing here this morning is holding out a false
6 hope.

7 We are not going to give the small counties that
8 are going to have 17,000, 22,000, 25,000, so much more
9 of a chance under 120-40 than we are under 108-36, and it
10 is almost unfair because it is a kind of a false novocaine,
11 so to speak.

12 You want to cushion the shock, but to me there is
13 an element of deceit in it.

14 The Supreme Court has spoken. We know what
15 our responsibilities are here. I have indicated to you
16 yesterday that I really thought that the House ought
17 to have three committees of about 30 members, or 31 members.
18 That would really be 93 or 94. All right; 105 is 12 or
19 13 more than we needed, 108, maybe 15 to 18 more than we
20 need, but when we get into 120, we are getting to a house
21 that I served in from 1959 to 1962. I remember it well.

1 I was fortunate enough to be on the Judiciary
2 Committee but I know that those fellow colleagues of mine
3 who were not on the Judiciary or the Ways and Means did
4 spend a great deal of time wandering these halls, trying to
5 figure out how they could put themselves usefully to
6 work and I can tell you it was always a bitter day
7 when the committee announcements came out and a member of
8 the House did not find himself on Ways and Means or
9 Judiciary.

10 THE CHAIRMAN: Delegate Gallagher, you have a
11 little less than a minute.

12 DELEGATE GALLAGHER: I agree with Delegate
13 Clarke you do not fritter your time away, but you have
14 got 5, 6, 7 other committees that are there.

15 The committees split the 30 per cent workload
16 between them and you really don't feel like you are
17 making the kind of contribution you should.

18 I am not going to try to rise to any great
19 oratorical heights this morning. I am for the representa-
20 tion of the small counties, but those people are going
21 to be as ably represented and as well represented as the

1 urban areas.

2 It is a great mistake to pit this convention
3 into a conflict between urban and rural areas. I say
4 to you if we lose here this morning, we are going to lose
5 gracefully and I tell the other committee chairmen to
6 fight for your report, regardless of what you do in
7 this particular situation, but we do feel that we have
8 got a very practical situation and we ought to have a
9 practical answer, and please, all you are doing, it seems
10 to me, is holding out a whimsical, fanciful hope and a
11 hope that really has no foundation to it.

12 THE CHAIRMAN: Your time has expired.

13 Delegate Malkus?

14 DELEGATE MALKUS: Will the gentleman yield?

15 THE CHAIRMAN: His time has expired, Delegate
16 Malkus. He may take the floor at a later time.

17 DELEGATE GALLAGHER: I will yield on Delegate
18 Malkus' time, if I may.

19 DELEGATE MALKUS: I wanted to ask a question.

20 THE CHAIRMAN: I will give you an opportunity
21 in a few minutes.



1 Delegate Gilchrist, do you desire to speak
2 in opposition?

3 DELEGATE GILCHRIST: Would Delegate Bamberger yield
4 for a question?

5 DELEGATE BAMBERGER: Yes.

6 DELEGATE GILCHRIST: I would simply like to clear
7 up one slight misapprehension which may have been left
8 with the body.

9 As you opened, you said that this 36-108 figure
10 was the recommendation of the Committee on the Legislative
11 Branch, and I believe the Legislative Branch Committee has
12 never discussed this, nor has the Legislative Committee met
13 with respect to Judge Sherbow's amendment. I think the
14 statement that this is the recommendation of the committee
15 may have led to misapprehension in the mind of the
16 Convention.

17 DELEGATE BAMBERGER: If I may answer your question
18 in the reverse order in which it was asked, we did meet
19 and discuss the composition of a legislature of 40-120.
20 That was, as you know, a considerable part of our deliberations.

21 We have not met on it since the amendment, of

1 course, was made by Delegate Sherbow, but we certainly
2 did discuss 40-120 as long and as well as we discussed every
3 other alternative that has been put before the Committee
4 of the Whole.

5 My statement that the committee had recommended
6 36-108 was based on equating 35 and 105. the committee's
7 recommendation is 35-105.

8 By the rules which govern this committee, we
9 may not offer 35-105, and we would not vote on 35-105
10 until we had finished our consideration of the entire proposal,
11 so what I am saying is the 36-108 is as close as we can get
12 to 35-105, and I suggested it be considered as identical.

13 THE CHAIRMAN: Delegate Gilchrist, do you desire
14 to speak against the amendment?

15 DELEGATE GILCHRIST: No, Mr. President. I would
16 like to ask another question, if I may.

17 THE CHAIRMAN: Proceed.

18 DELEGATE GILCHRIST: Delegate Bamberger, in
19 Delegate Gallagher's argument, he just said that there
20 would only be two counties in Senatorial Districts. Would
21 that be correct, or did he intend to say in the House

1 districts?

2 DELEGATE BAMBURGER: I will yield to the
3 Chairman, who has the map.

4 May I respond in addition to your question,
5 the committee voted on 40-120 on October 26, and then immedi-
6 ately after that considered the 35-105. The vote was
7 10 and 10, on the 41-120 and the vote was 15 to 5 in favor
8 of 35-105

9 THE CHAIRMAN: Delegate Gallagher.

10 DELEGATE GALLAGHER: You are correct, Mr.
11 Gilchrist, if I said the word "senate," it should have been
12 "house."

13 THE CHAIRMAN: Any other delegate desire to speak
14 in opposition to the amendment?

15 Delegate Malkus?

16 DELEGATE MALKUS: Mr. Chairman, I am not going
17 to play around the mulberry bush now. I want to ask
18 the Chairman a question. I just found out from my friend
19 Gilchrist over here how to do it.

20 DELEGATE BAMBURGER: I yield.

21 THE CHAIRMAN: Delegate Malkus, I think --

1 DELEGATE MALKUS: I am going --

2 THE CHAIRMAN: Delegate Malkus, I think the
3 person entitled to the floor at the moment is someone
4 who can speak in opposition to the amendment. Will you
5 permit me to find out if someone does, then I will permit
6 you to ask a question.

7 DELEGATE MALKUS: I do not want to forget what
8 my question is.

9 THE CHAIRMAN: You can make a note of it.

10 DELEGATE MALKUS: Thank you.
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1 THE CHAIRMAN: Delegate Clarke.

2 DELEGATE CLARKE: Thank you, Mr. President.

3 Ladies and Gentlemen of the Convention --
4 of the Committee:

5 I appreciate the feelings of members of the
6 committees when they have strong opposition on the
7 floor of anybody after they have worked hour upon hour,
8 night and day, and burned the midnight oil; but I will
9 remind you that the Committee on General Provisions last
10 week reported on the oath, and after many, many hours of
11 debate within the committee, we were struck down in
12 a matter of two minutes.

13 The fact that these members of this committee
14 have worked long and hard on the subject does not neces-
15 sarily mean that this should influence our vote, no more
16 than my coming from a large county should influence my
17 vote on this issue.

18 I do not choose at this moment to engage
19 Chairman Gallagher on the remarks concerning work in the
20 house, except to say this: That whereas it was true that
21 Ways and Means and Judiciary had 70 percent of the bills

1 and the other committees had 30 percent, I might point
2 out that that 70 percent constituted a great deal of
3 paper which was never passed upon, never acted upon, whereas
4 the 30 percent referred to minor committees was all some-
5 thing of substance.

6 Ladies and gentlemen, to drop the House
7 from 142 to 108 is tantamount to tearing it down. This
8 would be a shock that Maryland would be a long, long time
9 recovering from. Perhaps the present House does have too
10 many members and too many committees, but the work of the
11 House is such that it needs at least 120 members, and
12 this would provide for a committee structure of three to
13 five major committees, supported by a strong subcommittee
14 structure and system.

15 Ladies and gentlemen of the Committee, I urge
16 you to vote against the 108 amendment and to give the
17 people of Maryland the minimum necessary for a fair repre-
18 sentation, 120-40.

19 Thank you.

20 THE CHAIRMAN: Delegate Gallagher, the Chair
21 will recognize you for the purpose of yielding to a question.

1 from Delegate Malkus, if you choose to yield.

2 DELEGATE GALLAGHER: I do, sir.

3 THE CHAIRMAN: Delegate Malkus, do you desire
4 to put a question to Delegate Gallagher?

5 DELEGATE MALKUS: Thank you, Mr. Chairman.

6 The Chairman mentioned that it is hard to have
7 a workable committee divided like Gaul into three parts
8 if you have 120 members.

9 Is there anything wrong with the House of Dele-
10 gates having four committees, or even five committees?

11 I mean, I just walked over there to see where my friend
12 Carlton Sickles was and to see how our great body worked
13 over there in Washington, and for some reason or other,
14 Carlton is not here this morning. I am sorry.

15 However, my question is serious, Mr. Chairman:
16 Why do we have to stick to three committees? Why can't
17 we go ahead and have four or five? There is a lot of
18 work to be done, and I really agree that the State of Mary-
19 land, under the Senate of Maryland, under the great leader-
20 ship of my Chairman, Mr. James, is working well under
21 three, but I also know the House of Delegates over the

1 years has worked very well -- you ought to know that -- with
2 more committees than the Senate has ever had; so if we
3 have a little bit larger body in the House of Delegates,
4 is it too wrong to have more than three committees?

5 That is my question.

6 THE CHAIRMAN: Delegate Gallagher.

7 DELEGATE GALLAGHER: Senator, I don't think there
8 is anything wrong in having more than three committees,
9 but I do believe that when a representative comes to
10 Annapolis he ought to be on one of the two, or as in the
11 Senate, three major committees, because the people who
12 elect the representative are entitled to a voice in these
13 significant committees where, as you know, the real work is
14 done in the house.

15 Now, when you have other committees beyond
16 the two or three, you get conflicting meeting times. I
17 remember serving on the Judiciary Committee and the Motor
18 Vehicles Committee simultaneously, and I used to have to
19 ask the chairman of each committee when there was a
20 conflict in the meeting time -- and there were many --
21 if something important came up to please send for me,

1 that I would like to vote.

2 Now, I don't think that is the way we ought to
3 conduct the business of the House of Delegates or the
4 Senate, and I believe that three major committees in the
5 Senate and three in the House would be an excellent idea,
6 because it would certainly expedite joint hearings on
7 major matters when experts and interested parties come a
8 long distance; rather than to force them to come back
9 twice, to hear them once on a joint basis. So I think
10 three major committees in the House, as the wisdom of the
11 Senate has already provided, would be an ideal way of
12 operating the General Assembly.

13 THE CHAIRMAN: Delegate Malkus.

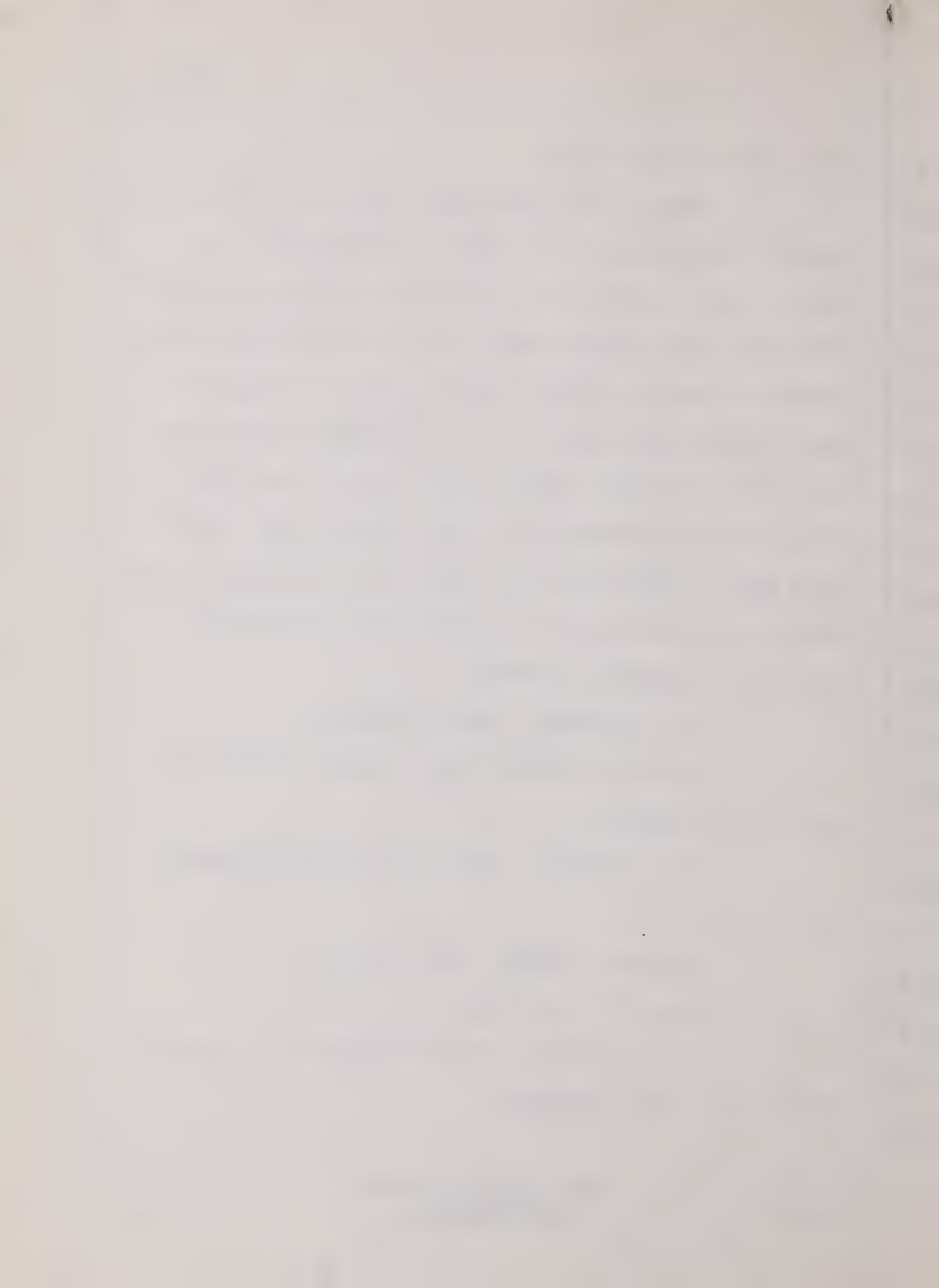
14 DELEGATE MALKUS: Mr. Chairman, I guess my
15 time is not already up.

16 THE CHAIRMAN: This is Delegate Gallagher's
17 time we are using.

18 DELEGATE MALKUS: Oh, heavens.

19 Like Dick Case said --

20 THE CHAIRMAN: He has two minutes, so don't
21 ask him too long a question.



1 DELEGATE MALKUS: I will try to be brief.

2 Like Dick Case says, when you ask an intelli-
3 gent man a question he gives you a speech, and,
4 by golly, it has happened again this morning.

5 But the point of my question is this: Is it
6 too wrong to have five major committees in the House of
7 Delegates if you have 120 people? Is that too wrong?
8 It has worked so well in the Senate of Maryland
9 when we divided it three ways. Now if the House of Dele-
10 gates is a little bit larger, is it too wrong to divide
11 it five ways so that everybody will serve on a
12 major committee?

13 They are all major committees, Mr. Chairman.
14 You will never be able to tell the people on the Agricul-
15 ture Committee that they are on a minority committee in my
16 area. They know that is the most important committee
17 in the General Assembly. So my question is this: Is it
18 too important to divide the subject matter or the committee
19 members into five committees?

20 DELEGATE GALLAGHER: Senator, it is not a
21 question of right or wrong.

1 THE CHAIRMAN: Delegate Gallagher, the
2 question took a minute and a half. You have 30 seconds
3 to answer it.

4 DELEGATE GALLAGHER: It is not a moral ques-
5 tion. This much is true. Seventy per cent of the work
6 is done by House Ways and Means and Judiciary. That
7 leaves 30 percent of the work. With three additional
8 committees it means each of them will handle ten percent
9 of the work.

10 Now, none of those three can be a major com-
11 mittee, and I object to the member of the Legislative
12 having to serve on a minor ten percent business committee.

13 THE CHAIRMAN: Does any delegate desire to
14 speak in opposition to the amendment?

15 Delegate Malkus, do you desire to speak in
16 opposition?

17 DELEGATE MALKUS: No, sir.

18 THE CHAIRMAN: You may proceed.

19 DELEGATE MALKUS: I wanted to say this to the
20 chairman, that all committees are major committees, and
21 in the Senate of Maryland, the committee that is headed by

1 the great senator from Baltimore County, Jim Pine, is just
2 as big as that that is headed by Harry Hughes and Joe
3 Curran. We have no big committees in the Senate,
4 and when he is trying to lead you to believe that there are
5 some committees that are bigger than others, that is no
6 longer true in the Senate; and I think that should also
7 be true in the House of Delegates, and we could divide
8 it up accordingly.

9 THE CHAIRMAN: Any other delegate desire to
10 speak in favor of the amendment to the amendment?

11 Delegate Hanson.

12 DELEGATE HANSON: Mr. Chairman, I think it is
13 probably fair to say that none of my friends from the
14 small counties have ever accused me of having undue
15 solicitude for their problems. If that were altogether
16 true, I would be opposed to this amendment to the amend-
17 ment and in favor of the amendment proposed by Delegate
18 Sherbow.

19 I think if the proponents of the 40-120 formula
20 would do a little bit of back-of-the-envelope mathematics
21 they would demonstrate to themselves that they are hurting

1 rather than helping the very cause they propose to help.

2 Under a House of 108 there would be nine
3 counties which would not be entitled by their populations
4 to their own representative. Under a House of 120 there
5 would be eight counties not entitled by their populations.
6 The one different county would be Dorchester County if
7 the 1970 projections are correct; and in 1980, if the
8 projections are even half accurate, it would lose that
9 particular seat.

10 In other words, of the difference in 12 seats
11 to be added, between 108 and 120, 11 of them will go to
12 the urbanized areas of this State; 11 of them, ladies and
13 gentlemen.

14 This proposal does not do what it seeks to do.
15 We may all lament that it is not done. We may
16 all lament that it cannot be done. We may wish fervently
17 that it could be. But I plead with this Committee of the
18 Whole to think before it acts in this matter. Of any
19 given number of seats that are added, a minimum of 80
20 percent of those added will go to the urbanized areas of
21 the State, because in 1970 they will have 80 percent of

1 the population. Under a formula of 108 in the House
2 they will have 86 seats, with 22 for the rest of the State.
3 Under a formula of 120 they will have 96 seats, with 24
4 for the rest of the State.

5 One of those additional ones will go to a small
6 county, one of them will go to a middle-sized county.

7 What we are arguing over here, ladies and
8 gentlemen, is two delegates.

9 THE CHAIRMAN: Any other delegate desire
10 to speak in opposition to the amendment to the amendment?

11 Delegate Rybczynski.

12 DELEGATE RYBCZYNSKI: Mr. President, -Mr. .
13 Chairman, fellow Members of the Committee:

14 I want to touch on two points which I believe
15 have not been touched on so far.

16 We are not building a computer with no spare
17 parts. We are building a body for legislation. Not all
18 people who will come here will be experienced people.
19 I believe that there should be room for starters and begin-
20 ners.

21 Now, I have here a newspaper from our election

1 showing all of the tally. I don't want to call names;
2 however, if you will look at this same paper -- and I will
3 be happy to distribute it -- I think you will realize that
4 the winners of this type of multiple election are not
5 necessarily the leaders of the group.

6 I have placed a little dot next to the lows,
7 or the winner getting the lowest number of votes in each
8 section. If you will do that with me you will find that
9 we eliminate 34 people from this body. That leaves us
10 with 108, which is approximately the size called for.

11 The point that I am making, or the two points
12 that I want to make are this: The people who can acquire
13 the greatest number of votes back home are not necessarily
14 the people who will do the most effective work down here
15 in this body.

16 The second thing -- and as a followup point
17 I want to state that if you decrease the number of poten-
18 tial winners in a municipal race -- and in our district
19 we run approximately 35 people in each one of these races
20 -- you make the election much more expensive. Very often
21 a young man or young woman can win on affiliations and

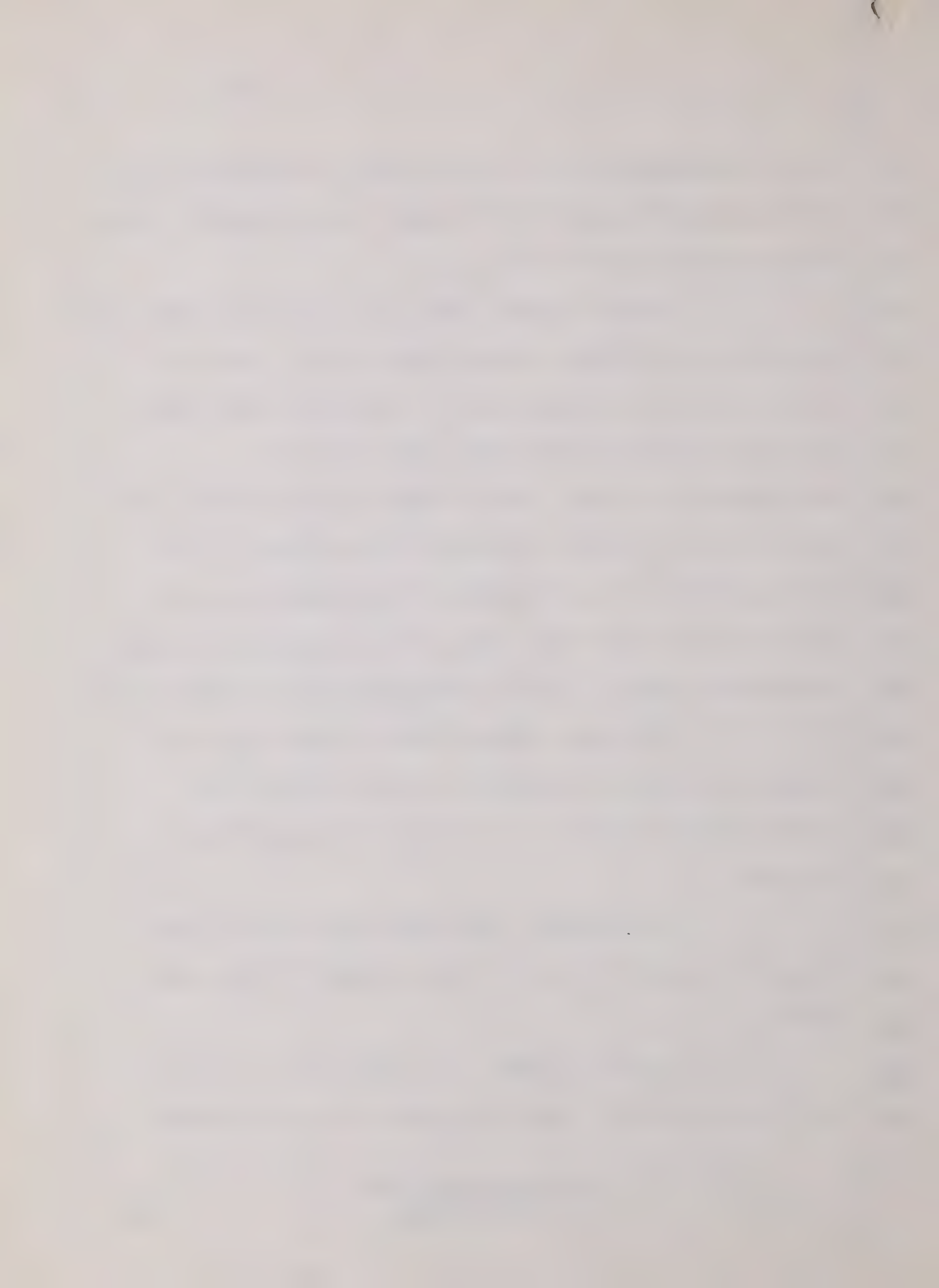
1 family and popularity in his own group, as opposed to the
2 person who must spend a lot of money to put himself before
3 the community for the first time.

4 I would suggest that there is another thing that
5 we should not overlook, another chart that I want to
6 refer you to, our voting board. In multiple elections,
7 A-M will greatly outshine N-Z, only because of
8 the alphabet, so that, again, simply because persons hap-
9 pen to be in a certain position on the machine, on the
10 voting machine, a great portion of the people who are
11 on this board today could very well be eliminated, simply
12 because they would be on the wrong position in the machine.

13 I strongly suggest that a higher figure is
14 needed for these two reasons. I would strongly favor
15 defeating this amendment and voting for Judge Sherbow's
16 amendment.

17 THE CHAIRMAN: The Chair recognizes Delegate
18 Clagett to speak in favor of the amendment to the amend-
19 ment.

20 DELEGATE CLAGETT: Mr. Chairman, my remarks
21 will be most brief. They are primarily an endorsement



1 or affirmation of the figures given by Delegate Hanson
2 just a moment ago, because I did refer to Delegate Proposal
3 No. 224 and did follow the same mathematical computation,
4 and did find that only ten counties are being affected by
5 this surgery; and of that ten, the choice between the
6 120-40 and the 36-108 does affect only two counties, one
7 of them by a very, very small population count.

8 Therefore, I feel that they are not really
9 accomplishing any substantial purpose in the prolonga-
10 tion of this debate, and I would like to see us go ahead
11 and vote on the 36-108, and I am in favor of it.

12 THE CHAIRMAN: The Chair recognizes Delegate
13 Weidemeyer to speak in opposition to the amendment.

14 DELEGATE WEIDEMEYER: Mr. President and Members
15 of the Convention:

16 I think all this talk about just three commit-
17 tees is just so much talk. I would say that we are at
18 least going to have five committees. We will have the three
19 major committees mentioned by the chairman, and if we
20 rush through this Convention in such a manner that the
21 people do not adopt this Constitution, or if we hastily

1 act and make a lot of mistakes, we are going to need
2 two additional committees on the revision of Constitutional
3 law.

4 I would say that because I would say that we would
5 be making so many mistakes, to act hastily and rush this
6 thing along, that there would be one committee on Consti-
7 tutional law and revisions that could not take care of
8 it all, and so that would take care of five committees,
9 and I do not under those circumstances know where you are
10 going to get all the constitutional lawyers and constitu-
11 tional experts out of the figure of 108.

12 I would say here that in 142 we could probably
13 stand more constitutional lawyers and more constitutional
14 experts. I therefore am strongly opposed then to the 108.

15 THE CHAIRMAN: The Chair recognizes Delegate
16 Bamberger to speak in favor of the amendment.

17 I am sorry -- Delegate Mitchell, do you de-
18 sire to speak?

19 DELEGATE MITCHELL: Yes, sir; in favor of the
20 amendment.

21 Mr. Chairman and fellow delegates --



1 THE CHAIRMAN: I should have said this was in
2 favor of the amendment to the amendment.

3 DELEGATE MITCHELL: I am in favor of the amend-
4 ment to the amendment for a smaller elected representation
5 in both houses.

6 THE CHAIRMAN: You may proceed.

7 DELEGATE MITCHELL: Mr. Chairman and Delegates,
8 I was a convert yesterday to the principle espoused by
9 the amendment to the amendment and the recommendation
10 of the committee which has worked on this problem. I still
11 think that the most compelling support for the Committee's
12 recommendation and for the amendment to the amendment is
13 the experience of the other smaller states. The Committee
14 has recommended that it is simply good housekeeping for
15 government. It makes for a more efficient government, and
16 when --, again I call to the attention of the delegates
17 the fact that Maryland has a population of 3,100,689, and
18 its present strength is 166. Wisconsin has 3,900,000
19 population. It has a smaller total of 133 for both houses.
20 Tennessee, with 3.5 million, has only 132 for both houses.
21 Kentucky, with 3 million, has 138. Virginia, with nearly

1 4 million, has only 140. Alabama, with 3,200,000, has
2 141. Louisiana, with 3,257,000 has 144. Kentucky,
3 with 3 million, has 138. Georgia, with 3,943,000, and
4 Minnesota, with 3,500,000, are the only small States
5 which have larger representation than Maryland.

6 I would strongly suggest that if we look at the
7 figures of the States, New York with 16 million, has only
8 208 representatives in both houses; so it simply is good
9 housekeeping. It makes for efficiency in the operation
10 of our State government to have smaller representation.

11 I still would like to ask the Chairman of
12 the Committee his response to the question which had con-
13 cerned me, which I think might be helpful to the other
14 delegates. It was the concern expressed by Delegate Pullen
15 when he said that the primary, our primary responsibility
16 in a democracy is to keep government close to the
17 people, which means a maximum involvement of the people
18 in elected representation.

19 I think it would be helpful if the Chairman of
20 the Committee would respond to that concern, which I think
21 is all of our concern. Will a smaller House give effective
representation to

1 all of the people?

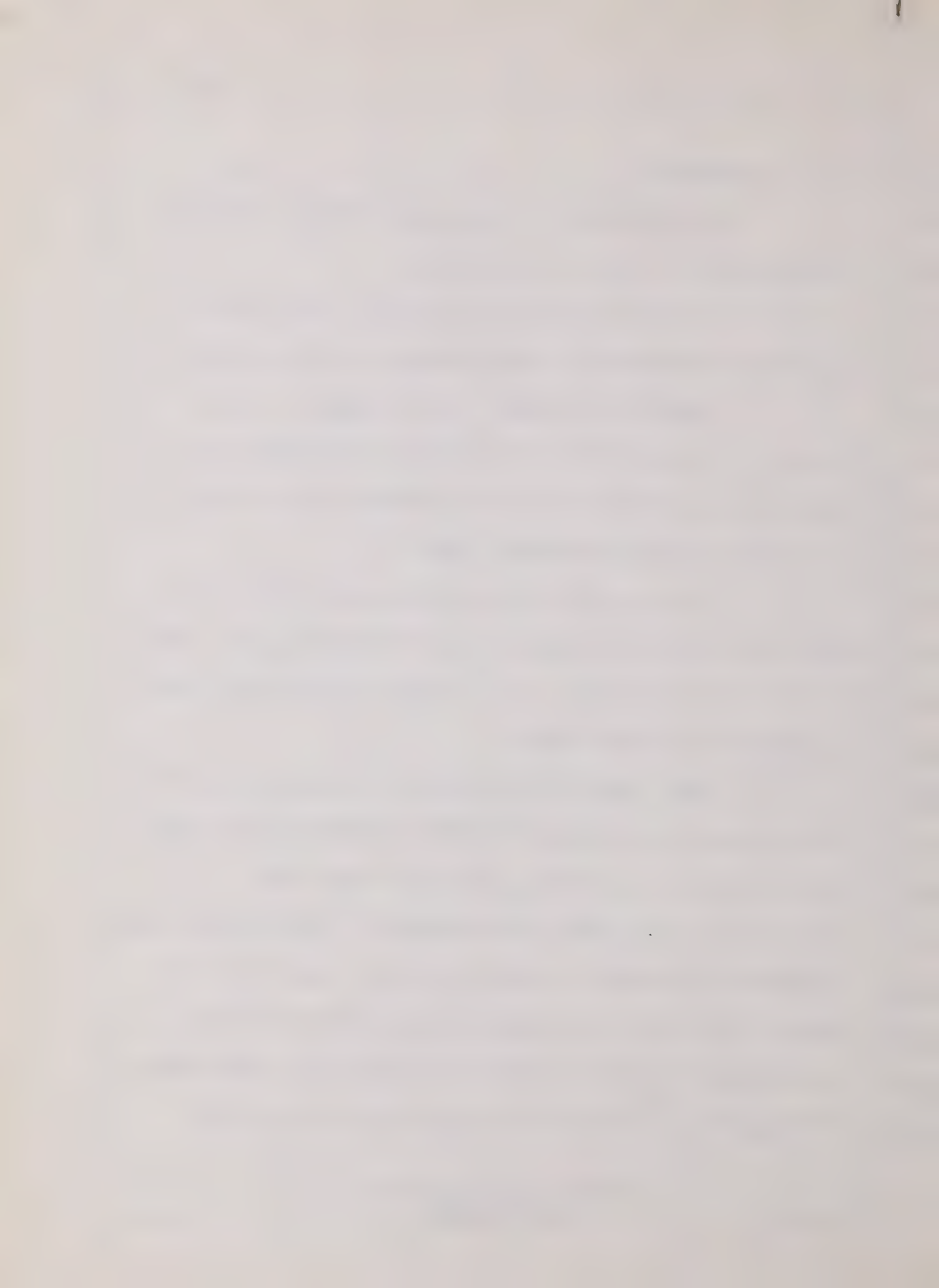
2 THE CHAIRMAN: I will give Delegate Gallagher
3 an opportunity to reply to that later.

4 The Chair recognizes Delegate Marvin Smith
5 to speak in opposition to the amendment to the amendment.

6 DELEGATE M. SMITH: Mr. Chairman, I hope
7 that all of us may be able to continue throughout this
8 Convention to demonstrate the good humor that was shown
9 by Delegate Gallagher earlier today.

10 I am a little like the sign that one of my
11 secretaries has on her desk: I don't know much, but what
12 I know I know real good -- and I know a little bit about
13 the geography of this State.

14 Now, what has been said here by our brethern
15 with reference to the counties and the counties that may
16 have a delegate is probably perfectly true, but
17 what seems to have been overlooked here, and the point that
18 I attempted, apparently unsuccessfully, to get over yes-
19 terday is the matter of geography; and whatever we do,
20 Mr. Chairman, by way of increasing the size of this House
21 of Delegates is going to materially assist us in the



1 rural areas from the standpoint of cutting down the travel
2 time between our constituents and our delegates.

3 Now, in another generation, obviously really
4 another generation, there was a bill, a law passed by the
5 General Assembly of Maryland that provided that one
6 of the U. S. Senators should come from the Eastern Shore.
7 That wasn't passed, as may appear to you, because the Shore
8 was parochial, in that instance. It was passed to
9 protect the rest of the State, because we are told that
10 otherwise they would have had both United States Senators
11 at that time. Obviously, times have changed.

12 Now we come here now pleading with you for
13 just a little bit of give, just a little bit of give.
14 Let us have the 120 delegates.

15 THE CHAIRMAN: The Chair recognizes Delegate
16 James to speak in favor of the amendment.

17 Does any other delegate desire to speak in
18 favor of the amendment?

19 Delegate Lloyd Taylor.

20 DELEGATE L. TAYLOR: Mr. President, fellow
21 Delegates:

1 I would like to quote from a magazine, the
2 Reporter, the issue of September 21, 1967. There is an
3 article on the Tennessee Legislature, and it is entitled,
4 "Reapportionment."

5 The author states that when the Supreme Court
6 in 1962 handed down a landmark decision in Baker versus
7 Carr, the Tennessee Legislature was called in special
8 session and one representative, a Mr. James Clements,
9 announced, "This is in the routine rule of
10 government in Tennessee."

11 That was five years ago, the article says.

12 This year, in 1967, the first reapportionment
13 legislature since 1901 was seated. At the end of the 75-
14 day session the same Mr. Clements said, "This has been my
15 finest hour."

16 It may have been Tennessee's finest legis-
17 lature. The article says, "Reapportionment, it seems,
18 was not the destiny for rule in Tennessee after all."

19 In the State of Tennessee you have a popula-
20 tion of 3,500,000. You have a State legislature, a House
21 of 99 representatives, and a Senate with 33.

1 In the State of Maryland you have 3 million
2 people, 3,100,000 people. We have 123 members in the
3 House of Delegates, and 43 senators.

4 I am for the amendment to the amendment because
5 of these facts.

6 It is a known fact that in the State of Mary-
7 land, as in the State of Tennessee, that the shift of
8 population is toward the urban areas, and, of course, the
9 State legislature in both the State of Tennessee and
10 the State of Maryland should reflect this particular
11 population effect.

12 I wish you would read this article and the
13 report in the magazine of September 21, 1967. You will
14 find that the real interests can retain their particular
15 influence, even though the country is moving toward urbani-
16 zation, and with the progress of urbanization we need more
17 consideration of urban problems, even though we still
18 have to consider the problems of rural interests.

19 THE CHAIRMAN: Delegate Price, do you desire
20 to speak in opposition to the amendment?

21 The Chair recognizes Delegate Price.

1 DELEGATE PRICE: Thank you, Mr. Chairman.

2 I have heard some references to generations in
3 back of me. It seems that these are the times when we have
4 more generations than we have people. We have a lost
5 generation, referring to those after World War I; and after
6 that we had a silent generation, referring to their
7 children; and their children begot the beat generation,
8 those who try to hide in the pseudoworld of make-believe.

9 There is another generation among us that
10 has been called by a popular manufacturer the Pepsi genera-
11 tion - Come alive, you're in the Pepsi generation.

12 I don't want to comment too much on their slogan,
13 but the reasons why they chose it I think are very interest-
14 ing. They knew they had to win this generation, and I
15 think we do, too, as well as all the other generations.

16 I would like to submit to the delegates here
17 that what we do and the way we go about doing it will be
18 terribly influential, and I think that what we do and the
19 way we do it must, first of all, be absolutely intellectually
20 respectable, and it seems to me that were any of our
21 Committees to come onto the floor and maintain the

1 position simply because it has been the result of many
2 hours, this kind of foolish consistency will quickly be-
3 come a hobgoblin for us.

4 I think that the proposal, 40-120, therefore,
5 is an intellectually respectable thing to do.

6 The second thing I think which we must keep in
7 our minds is this: That everything we do and the way we
8 do it must also be morally demanding. I think that
9 in all due respect to the theorists, whatever we may say
10 about the future, we must also deal with the present; and
11 we must to some degree keep in mind these small counties
12 of the hinterlands, and I think that 40-120 is the most
13 morally demanding thing that we could do.

14 I think, thirdly, that what we do and the way
15 we do it must finally be spiritually and socially correct.
16 I think that to set the limit at 40 and 120 allows for the
17 maximum kind of creativity in the General Assembly.

18 I would like to submit that there is nothing
19 more fickle than the spirit of the times, because we
20 do not know what tomorrow will bring. I rise, hoping that
21 we can defeat the amendment to the amendment, that we

1 can accept the number of 40 and 120 on the basis that it is
2 for all the people of Maryland the most intellectually
3 respectable thing we could do. It is the most morally
4 demanding thing we can do, and it is the most socially
5 creative thing we can do.

6 Thank you.

7 THE CHAIRMAN: Any other delegate desire to
8 speak in opposition?

9 DELEGATE CLAGETT: Mr. Chairman.

10 THE CHAIRMAN: Delegate Clagett.

11 DELEGATE CLAGETT: I rise to a point of personal
12 privilege.

13 Today is the birthday of Mrs. Edward J. Clarke,
14 who is seated in the gallery at the rear of this chamber.
15 Mrs. Clarke is the lovely wife of Delegate E. J. Clarke
16 of Montgomery County, on whose right I sit. I cannot
17 vote with him, but I can certainly join him in extending
18 congratulations. (Applause.)

19 THE CHAIRMAN: In view of that slight break,
20 may the Chair take the liberty of calling --

21 DELEGATE BLAIR: Mr. Chairman, I would like

1 to rise also on a point of personal privilege to announce
2 today is the birthday of a fine football coach who happens
3 to be a delegate here right now. He indicated to me the
4 last score he counted was 120 to -- well, he forgot the
5 other number: Art Kirkland. (Applause.)

6 THE CHAIRMAN: There is no limitation on this
7 period of debate. The Chair desires to call to the
8 attention of the Committee of the Whole that we have
9 now been engaged for an hour and a half nearly in this de-
10 bate. There have been eight speakers on each side.

11 Are there any further speakers in favor of the
12 amendment to the amendment?

13 Delegate Bard.

14 DELEGATE BARD: I merely wanted to rise to a
15 point of personal privilege and say that at this
16 very moment we are dedicating the Governor Lane Bay Bridge,
17 and so many of us who had the privilege of working with
18 Governor Lane, and I am sure there are other people here
19 who could say this far better than I -- I know, for example,
20 that Mr. Bushong could say this better than I -- but I
21 thought we ought to recognize that many of us would like

1 to be there, having known the contributions that he made
2 in bringing this very convention into being and working
3 on the Commission.

4 Thank you.

5 THE CHAIRMAN: Thank you. (Applause.)

6 The Chair would like, in order to close the
7 debate in an orderly manner, to recognize as the
8 final speaker in favor Delegate Bamberger, and the
9 final speaker in opposition Delegate Sherbow, if he de-
10 sires to speak.

11 Are there any other delegates other than those,
12 first to speak in favor?

13 Delegate Hickman.

14 DELEGATE HICKMAN: Mr. Chairman, I rise, and
15 I don't know whether I am speaking in favor or against,
16 but I would like a clarification. Is it correct to assume
17 that if the amendment to the amendment passes that a
18 further amendment will be offered for fractional voting?

19 THE CHAIRMAN: If the amendment to the amendment
20 passes, it is my understanding that Delegate James Clark,
21 who has the floor, does desire to present his amendment

1 for fractional voting. If the amendment for 36-108 does
2 not pass and the amendment 40-120 passes, it is my under-
3 standing that Delegate Clark does not desire to submit an
4 amendment.

5 DELEGATE HICKMAN: Mr. Chairman, in that event,
6 I would like to speak in favor of the amendment to the
7 amendment.

8 I think I have also done a little arithmetic,
9 and I find that only one county would be aided in changing
10 from 108 to 120 delegates.

11 I think all the rural counties can ask of
12 this body is fair representation. It matters naught to me
13 whether I come down here as I now do with one vote out of
14 142, or whether I come down with a half a vote and 108.
15 The ratio is almost the same. But I do submit to this
16 body that it is not the weight of the vote of the person
17 from the rural county that counts. It is the fact that a
18 person is here to express the voice of the people from the
19 rural county.

20 I know that if we have one delegate from two
21 counties, that delegate will to the best of his ability

1 represent the peoples of the two counties, but I submit
2 to you that if he comes from Kent County and he is represent-
3 ing Kent and Queen Annes County, that his first love and
4 interest will be to Kent County.

5 We are not asking for anything that the Supreme
6 Court said we should not have. We have no right to come
7 before this body and ask for something that the
8 Supreme Court said we are not due; but we do have a right
9 to come before this body and ask for fairness and justice,
10 and I submit to you that the Chairman of the Legislative
11 Committee, who gave the majority report, stated in that
12 report that they wanted to be fair to the rural counties
13 -- and I submit to this body that there is only one way to
14 be fair and that will be for fractional voting; and for
15 that reason I support the amendment to the amendment.

16 THE CHAIRMAN: Does any other delegate desire
17 to speak in opposition to the amendment?

18 Delegate Mason, do you so desire, to speak
19 in opposition?

20 DELEGATE MASON: Yes, sir.

21 THE CHAIRMAN: You may proceed.

1 DELEGATE MASON: Mr. Chairman, I rise to speak
2 in opposition to the amendment, and I support the
3 amendment by Delegate Sherbow.

4 In supporting this amendment I am not unmind-
5 ful of the "treatment" that the urban areas have received
6 over the past hundred years by the rural areas; but we have
7 been debating this question for hours. The Committee on
8 the Legislative Branch indicated that when they considered
9 the 120-40 number in their committee they split ten to
10 ten.

11 That is a good indication as to how that com-
12 mittee felt about it at the time they voted on it. There-
13 fore, I think that the 120-40 is a good compromise on this
14 floor. Therefore, I vote, or I will vote against the amend-
15 ment to the amendment.

16 THE CHAIRMAN: Mr. James Clark.

17 DELEGATE CLARK: Mr. Chairman, I would like to
18 speak for the amendment to the amendment.

19 Mr. Chairman, ladies and gentlemen of the
20 Committee, it is imperative that we reach a consensus on
21 this matter. It is more imperative that we reach a

1 consensus with good grace and good feeling, because this
2 will help our endeavor very much.

3 I can say that Delegate Hanson and the Chairman
4 of the Committee, Delegate Gallagher, put their finger
5 on it when they said that by increasing the size of the
6 House from 108 to 120 you are really not doing what you
7 are trying to do. What you are doing here is putting more
8 delegates into the metropolitan areas where they are not
9 wanted and where they are not needed, and you are not
10 putting them in the rural areas at the extremities of this
11 State; and this is the problem with which we are struggling
12 in actuality.

13 I have a deep concern for the smaller counties.
14 They have added much to the past legislatures, and if we
15 can provide some means by which they can have a voice
16 -- and I think we can do this -- they will add a great
17 deal to future legislatures.

18 For this reason I think that Delegate Hickman
19 has hit the nail on the head and has seen the light.
20 I believe that if we will support the committee for the
21 lower number and then support the provision for the

1 fractional vote, we will have struck a compromise which
2 will serve this State well for many years to come.

3 THE CHAIRMAN: Does any other delegate desire
4 to speak in opposition?

5 DELEGATE VECERA: Mr. Chairman, members of the
6 Committee, I object to Senator Clark's remarks in that
7 the delegates are needed and are wanted in the urban areas,
8 and we also want to work with our fellow brethren through-
9 out the State in order that they also may have representa-
10 tion.

11 It is therefore my earnest intent to support
12 Delegate Sherbow's amendment to the amendment.

13 Thank you, Mr. Chairman.

14 THE CHAIRMAN: Delegate Beatrice Miller, do you
15 desire to speak in favor of the amendment?

16 DELEGATE B. MILLER: Mr. Chairman, it seems
17 to me that we came here today to rewrite a Constitution
18 that is 100 years old, and that the situation is not the
19 same as it were 100 years ago. If it were, we would not
20 have to come here today. Political subdivisions today
21 are different. We have to provide for sprawling

1 suburbia. The Chairman has stated some of these small
2 counties have population, less population today than they
3 had in 1776. How small does a county shrink until we
4 stop thinking of it as a representative political subdivi-
5 vision? Do we wait until it gets down to 15,000, 1,500,
6 or 900? It is important, also, I think, here to
7 realize that the issue is not representation by political
8 subdivision. The issue is the best kind of political, or
9 of representative democracy that we can fashion here, and
10 the only way that we can do that is to represent people, and
11 not political subdivisions. As we said, as was stated
12 yesterday, there are other committees that are taking up
13 the question of how the political subdivisions will manage,
14 how they will control themselves and govern themselves;
15 but it is important here to also note that the spokesmen
16 appear to be from the large subdivisions who are opposing
17 this smaller legislature.

18 Mr. Rybczynski is correct; if he ran for the
19 legislature his seat would be saved. Probably if I were
20 to run for the legislature in a larger house my seat would
21 be saved. We both have names beginning with M and going

1 further down the alphabet; but I don't think that is
2 a reason for fashioning such a House here today.

3 I think what we are trying to do is find the
4 most functional, the most efficient and the most
5 truly representative kind of government that we can make,
6 and I believe that the amendment offered by Judge Sherbow
7 would not achieve that end; that in itself it is a deceit-
8 ful type of amendment in that it implies that it would
9 achieve representation for the smaller counties when in
10 fact it is not doing so.

11 I would rather that we go back to the original
12 recommendation of the committee, and I support the amend-
13 ment to the amendment.

14 THE CHAIRMAN: Does any other delegate desire
15 to speak in opposition to the amendment to the amendment?

16 Delegate Kirkland.

17 DELEGATE KIRKLAND: Mr. Chairman, seeing this
18 is my happy day, it could well become my unhappy day, also.

19 I would like to ask Delegate Clark a question,
20 if I may.

21 DELEGATE CLARK: Yes.

1 THE CHAIRMAN: Will Delegate James Clark
2 yield for a question?

3 DELEGATE CLARK: As long as it is on his time.

4 THE CHAIRMAN: It will be on your time.

5 DELEGATE CLARK: It doesn't really matter.

6 DELEGATE KIRKLAND: I would like to ask you
7 if the fractional voting would not adjust itself to
8 a figure of 120 also? I mean, why does it have to be 108?
9 Couldn't it just as well be at 120, and this way they would
10 even have more representation?

11 DELEGATE CLARK: It could be adjusted to any
12 number, this is true; but I would not feel that I would
13 be in position to offer a larger number. I think it serves
14 its best purpose at the lower number.

15 THE CHAIRMAN: Do you desire to speak in oppo-
16 sition, Delegate Kirkland?

17 DELEGATE KIRKLAND: Yes.

18 THE CHAIRMAN: Please proceed.

19 DELEGATE KIRKLAND: The delegate did admit
20 that he could just as well have this fractional voting
21 at 120. I am going to have to, certainly myself, support

1 Delegate Sherbow's figures, because I do not
2 appreciate the generous compromise figures on behalf of
3 the amendment to the amendment.

4 THE CHAIRMAN: Any other delegate desire to
5 speak in favor of the amendment?

6 Delegate Gill.

7 DELEGATE GILL: I wish to speak in favor
8 of the amendment to the amendment for two reasons: First
9 of all, when we considered 35-105 it was done with two
10 main things in mind: That we would have a legislature
11 that would be visible, accountable, responsible; and
12 second, that it would be truly representative, not only
13 of the large areas, but of the counties, the small counties
14 and minority groups, ethnic groups, everything might be
15 considered in the reapportionment and the changed districts.

16 Yesterday when another delegate spoke against
17 the smaller numbers in the different amendments, the
18 decision of the Supreme Court was always referred to
19 as one-man/one-vote; and it seemed that the wrong inter-
20 pretation was being placed on the decision. Quite often
21 people against, that spoke against the smaller numbers,

1 were interpreted as meaning that because the number was
2 small that therefore their areas would not be represented
3 equally.

4 This recommendation of the committee took into
5 consideration all those factors, that we never forget the
6 one-man/one-vote, and even though the numbers be larger,
7 the vote will be equal and everybody will be repre-
8 sented; so if anybody has a mind to vote against the smaller
9 numbers because they think they will not be represented,
10 I think they are misinterpreting the aim of the recommenda-
11 tion in the original recommendation of the committee.
12 So I would like to speak for the amendment to the amendment,
13 which is a substitute for having three-to-one represen-
14 tation, three members from the House and one from the
15 Senate, even though the number is 36 against 35 and now
16 108 against 105.

17 THE CHAIRMAN: Does any other delegate desire
18 to speak in opposition to the amendment to the amendment?

19 Delegate Mitchell.

20 DELEGATE MITCHELL: Mr. President, a point
21 of personal privilege.

1 We are happy to see in the front gallery
2 80 students from the Douglass Senior High School in
3 Baltimore, with their teachers. I see one of them, Mrs.
4 Lola Howard. We are happy to welcome their presence and
5 their interest in this convention.

6 THE CHAIRMAN: We are delighted to have them.
7 (Applause.)

8 Any other delegate desire to speak in opposi-
9 tion?

10 Delegate Linton.

11 DELEGATE LINTON: Mr. Chairman, it is obvious that
12 the figures that we are discussing here today did not
13 come out of the air. I think the Clean Air Committee prob-
14 ably would have had that straightened out. The 105-35,
15 I am afraid, was just a figure, and it came out of the air.

16 I would like to point out that our vote on
17 this particular amendment is not contingent upon a frac-
18 tional vote being assured in the next amendment. If it were
19 I would perhaps support it myself.

20 We are living in a State that is geared to
21 representation, and if 120 gives one county a delegate,

1 one more delegate, it also results in the districts that
2 delegates represent in those counties that do not have a
3 district within themselves. It becomes a little smaller
4 and the actual proportion of representation is greater.
5 It is a compromise. It is not much of a compromise,
6 and Delegate Hanson's arguments today pointed out the de-
7 sirability of leaving the size of this legislature to be
8 set by the legislature, or at least taking a realistic
9 approach, one that had been studied and worked out
10 thoroughly, as proposed by Delegate Gilchrist yesterday.

11 I could give you unlimited examples of the
12 reaction of our State's bureaucratic form of government
13 to the representatives of those various political subdi-
14 visions of this State, and the gentleman from Baltimore
15 City who pointed out that they hadn't been treated fairly
16 should go over this list of inequities that have existed
17 and have them pointed out.

18 I would like to point out two of them. One
19 of them is in aid to education, where for 20 years one
20 of the largest and richest counties of this State received
21 a windfall in aid to education because they had the votes

1 there to keep it from being changed, and the first realistic
2 approach to a tax based on the ability of a person to
3 pay was passed in this legislature, after it had been
4 increased in size.

5 I think if we are going to do anything for
6 representation and a representative form of government,
7 it should be in the area of increasing the size of the
8 legislature from this 105-35, and I support Judge Sherbow's
9 amendment, and I am opposed to the amendment of Delegate
10 Bamberger.

11 THE CHAIRMAN: Does any other delegate desire
12 to speak in favor of the amendment to the amendment?

13 Delegate Gallagher.

14 DELEGATE GALLAGHER: One last word, Mr. Chairman.

15 Ladies and gentlemen, I intend to vote on Mr.
16 Clark's amendment when it is offered for 36 and 108, and I
17 should tell this committee that our own Committee of the
18 Legislative Branch did consider the idea after our report
19 had come upstairs and was favorably disposed towards it.

20 I should also like to say that we have before
21 us the single member district question. I wish I could

1 call it non-controversial, but I can't.

2 However, certainly the single member district
3 theory has a great deal more to attract it to a larger --
4 pardon me, to a smaller house and senate, rather than
5 to a larger, and with those two things on the horizon,
6 I have the feeling that we have about said everything
7 that can be said.

8 THE CHAIRMAN: Delegate Sherbow.

9 DELEGATE SHERBOW: I offer these last words
10 on the subject before you: I hope you will defeat the
11 amendment to the amendment, but I do say this to you: that
12 if you do defeat that amendment, and if the amendment
13 that I have offered is passed, and if the fractional
14 voting plan is not offered, I personally will offer it to
15 this body in the interest of democratic action, so that
16 you will have it before you at some time in these proceed-
17 ings in order that you may debate it one way or the other.

18 I hope you will vote against the amendment to
19 the amendment.

20 THE CHAIRMAN: I assume that closes the debate.

21 We are ready for the question.

1 DELEGATE GALLAGHER: Question.

2 THE CHAIRMAN: Will the doorkeeper please see
3 if there are any delegates immediately outside the
4 door and tell them we are ready to vote?

5 The question arises on the adoption of Amendment
6 No. 1 to Amendment 8 to Committee Recommendation LB-1.
7 This is the amendment which would fix the size of the
8 House of Delegates at 108 and the Senate at 36. A vote
9 Aye is a vote in favor of that amendment, in favor of
10 36-108. A vote No is a vote against the amendment and
11 would be before Amendment No. 8, which is the 40-120.
12 Therefore, a vote Aye, a vote in favor of the amendment,
13 36-108; a vote No, a vote against. Cast your votes.

14 Has every delegate voted? Does any delegate
15 desire to change his vote? The Clerk will record the
16 vote.

17 There being 57 votes in the affirmative and
18 73 in the negative, the motion is lost. The amendment
19 fails.

20 The question now arises on the adoption of
21 Amendment No. 8 to Committee Recommendation No. LB-1.

1 Are you ready for the question: A vote Aye
2 is a vote in favor of Amendment No. 8; that is, a vote
3 in favor of the 40-120. A vote No is a vote against and
4 would leave the Committee recommendation before you.
5 A vote Aye, a vote in favor of Amendment No. 8; a vote No,
6 a vote against. Cast your votes.

7 The Clerk tells me that some of the tallies
8 may have been on. We will have to push the reset button
9 and vote again.

10 Don't push your buttons in.

11 A vote Aye, a vote in favor of the amendment,
12 40-120; a vote No, a vote against. Has every delegate
13 voted? Does any delegate desire to change his vote?
14 The Clerk will record the vote.

15 There being 94 votes in the affirmative and
16 36 votes in the negative, the motion carries. The amendment
17 is adopted.

1 THE CHAIRMAN: I congratulate the Committee
2 of the Whole on having concluded a perhaps lengthy but
3 very orderly debate on a most important question.

4 The committee will please come to order.

5 Section 304 is still before you for amendment.

6 The Chair recognizes Delegate Clark.

7 DELEGATE CLARK: Mr. Chairman, are you recognizing
8 me for--

9 THE CHAIRMAN: I recognize you for the purpose
10 of offering further amendment to Section 304, if you
11 desire to do so.

12 DELEGATE CLARK: I do not desire to do so, sir,
13 but Judge Sherbow does desire and has made a commitment
14 to that effect.

15 THE CHAIRMAN: The Chair will recognize --

16 DELEGATE CLARK: If I can find my notes, I
17 will turn them over to him.

18 THE CHAIRMAN: Delegate Sherbow, does the
19 Chair understand that you propose to offer the amendment
20 which bears Delegate James Clark's name as sponsor?

21 DELEGATE SHERBOW: Yes, sir. I would like

1 to make a very brief comment as I offer it.

2 THE CHAIRMAN: Just a moment. The amendment
3 is being distributed to you. It will be Amendment No. 9.

4 Please strike out the printed word, "To Amendment
5 No."

6 Strike out the name of the sponsor, James Clark.
7 Insert the name of the sponsor, Delegate Sherbow.

8 The Clerk will read the amendment.

9 MR. QUILLEN: Amendment No. 9.

10 THE CHAIRMAN: Just a second.

11 Delegate Sherbow?

12 DELEGATE SHERBOW: I want to call your attention
13 to the fact that line 12 says 105. It should read 120.
14 Line 4 says 35, which should read 40.

15 THE CHAIRMAN: In the absence of objection,
16 the typographical corrections will be made to change the
17 numeral 5 in line 12 to the numeral 20, and to change
18 the numeral 35 in line 14 to the numeral 40.

19 Is there any objection?

20 The amendment will be corrected.

21 Delegate Sherbow, does that appear anywhere

1 else in the amendment, do you know?

2 DELEGATE SHERBOW: I am reading this now for the
3 first time.

4 THE CHAIRMAN: Would you please look at it while
5 the reading clerk is reading?

6 DELEGATE SHERBOW: Yes, sir.

7 THE CHAIRMAN: Mr. Clerk, please read the
8 amendment.

9 MR. QUILLEN: Amendment No. 9 to Committee
10 Recommendation No. LB-1 by Delegate Sherbow.

11 On pages 1 and 2 of Committee Recommendation No.
12 LB-1, strike all of Section 3.04,

13 Composition of the Legislature and insert in
14 lieu thereof the following section:

15 Section 3.04. Composition of the Legislature.

16 The number of members of each house of the
17 Legislature shall be as prescribed by law, but the number
18 of votes in the House of Delegates shall not exceed one
19 hundred twenty and the number of members of the Senate
20 shall not exceed forty. Each Delegate shall represent one
21 delegate district and each senator shall represent one

1 senate district.

2 THE CHAIRMAN: For what purpose does Delegate
3 Sherbow arise?

4 DELEGATE SHERBOW: It requires an amendment
5 at the point the clerk concluded reading. In line 14,
6 instead of "not exceed 40," it should say "not exceed one-
7 third thereof."

8 THE CHAIRMAN: In the absence of objection, in
9 line 14, strike the numeral 40, which was substituted
10 for the numeral 35, and insert the words "one-third thereof."

11 For what purpose does Delegate Wheatley rise?

12 DELEGATE WHEATLEY: Mr. Chairman, in line with
13 the policy we have adopted, would I be correct in
14 assuming that we will divide the issue after the words
15 one-third thereof?

16 THE CHAIRMAN: We will divide the question so
17 that the question of single member district can
18 be presented separately.

19 DELEGATE WHEATLEY: Thank you, Mr. Chairman.

20 THE CHAIRMAN: The Clerk will proceed with the
21 reading.

1 MR. QUILLEN: Each senator shall have one vote
2 in the Senate. Each delegate shall have one vote in the
3 house of Delegates, Except delegates from those counties
4 which are so insufficient in population that they are not
5 entitled to elect at least one delegate completely from
6 within the boundaries of the county. In only these insuf-
7 ficient population counties, one delegate shall be elected
8 from the entire county casting a percentage vote
9 weighted in accordance with the population of the county.
10 If any county entitled to more than one delegate is completely
11 surrounded by counties so insufficient in population that
12 all their delegates cast a percentage vote, that county shall
13 be entitled to its full number of delegates with one vote
14 plus one delegate casting a percentage vote.

15 THE CHAIRMAN: Is the amendment seconded?

16 (Whereupon, the amendment was seconded.)

17 THE CHAIRMAN: The Chair recognizes Delegate
18 Sherbow to speak to the amendment.

19 DELEGATE SHERBOW: Mr. Chairman, I saw this
20 amendment for the first time today and I have offered
21 it because I believe by the democratic processes this

1 assemblage has the right to the opportunity to debate
2 those issues which arise.

3 In the course of the debate on the subject
4 of the number of delegates and senators in the General
5 Assembly, the point was made that if the General Assembly had
6 one number, there would be an opportunity given to
7 this convention to vote on the subject of fractional voting;
8 if, however, the larger number prevailed, and it did,
9 that they would not then have this amendment before them.
10 I said, and I believe I am right, that it is the kind
11 of development that I would be willing to foster, namely,
12 present such a resolution for its decision to you.

13 The amendment presented, or drafted originally
14 by Senator James Clark provides in effect that each
15 senator has one vote in the Senate, but in the smaller
16 counties, where they have less than one vote, there the
17 delegate would be an individual, but his weight
18 in voting power would be equal to the percentage that
19 his county has toward the proper total representation.
20 This means that in a county, and I over-simplify it, the
21 delegate for that county would be entitled to only

1 half a vote, and the adjoining county, and again I
2 simplify it, would be entitled only to half a vote; that
3 each of the two individuals, and they would be bodies,
4 they would be people, would then have the Right to vote,
5 but in the General Assembly each would have half a vote.

6 I must say this is a novel situation. I do add the
7 manner in which this is being presented to you is novel
8 also but I do not think that we ought to shy away, or
9 be scared of anything that is new.

10 I myself have views with respect to this
11 proposal but I have presented it to you so that you may
12 debate it, discuss it and vote on it. I think the smaller
13 counties have their opportunity now to present their
14 case to this assemblage for its decision.

15 THE CHAIRMAN: Does any delegate desire to speak
16 in opposition?

17 Delegate Scanlan?

18 DELEGATE SCANLAN: I have a question. I will ad-
19 dress it either to the natural father or the adopted
20 father.

21 THE CHAIRMAN: I do not think your question is in

1 order at this time. I will permit you to ask the
2 question when someone in favor has the floor.

3 Delegate Clark.

4 DELEGATE CLARK: Has there been a second to that
5 motion?

6 THE CHAIRMAN: Yes, there has.

7 DELEGATE CLARK: I would like to offer an
8 amendment to the motion, Mr. Chairman.

9 I would like to amend the amendment to make it
10 revert to what it was before it was corrected.

11 DELEGATE GALLAGHER: I second.

12 THE CHAIRMAN: Just a second. I am not sure that
13 I understand. You mean to leave it as the language
14 was typed?

15 DELEGATE CLARK: Yes, sir.

16 THE CHAIRMAN: I assume your amendment is not
17 written, Senator Clark, or is it?

18 DELEGATE GALLAGHER: Yes, sir, it is exactly
19 as you have got it.

20 THE CHAIRMAN: What I was about to say is that
21 if you interpose the objection to the correction,

1 the amendment would go back to its original form.

2 DELEGATE CLARK: That is right, yes.

3 THE CHAIRMAN: Delegate Sherbow?

4 DELEGATE SHERBOW: I think in view of the objec-
5 tion and the rule that all amendments must be printed,
6 we will have to have the amendment in the form originally
7 typed, unless either the rules are suspended to permit
8 consideration of an amendment not written, or unless you
9 have a written amendment to make the change you want.

10 DELEGATE CLARK: Mr. Chairman.

11 THE CHAIRMAN: Delegate Clark.

12 DELEGATE CLARK: I do not object.

13 I would prefer to proceed and vote on my
14 proposal first.

15 THE CHAIRMAN: Delegate Sherbow.

16 DELEGATE SHERBOW: I would like to make this
17 inquiry of the Chair: Is not the amendment proposed by the
18 delegate from Howard County out of order, in view of the
19 fact that there has just been a vote with respect to
20 the number?

21 DELEGATE GALLAGHER: Beg pardon, sir, it was

1 36 and 108, not 35-108.

2 THE CHAIRMAN: There was no vote on these
3 numbers. There was a vote on numbers, but the section
4 has not been adopted as such. In other words, that is
5 merely the adoption of an amendment to this section.

6 Delegate Sherbow.

7 DELEGATE SHERBOW: As I understand it, this
8 committee just a few moments ago adopted an amendment which
9 said that the number of members of each house shall be
10 as prescribed by law, the votes in the House of Delegates
11 in effect shall not exceed 120, and the number of members
12 of the Senate shall not exceed one-third thereof.

13 THE CHAIRMAN: That is correct, but this
14 amendment, if it were in its original form, could change
15 that rule in view of the fact that it is also tied in
16 with other matters, namely, the fractional voting, so
17 the Chair would rule that the amendment is in order.
18 However, Delegate Clark has said he does not object to
19 the amendment being made typographically. He desires to
20 offer as an amendment to your amendment the amendment
21 in its original form. This is properly a substitute,

1 I take it?

2 DELEGATE CLARK: Yes.

3 THE CHAIRMAN: You have this printed?

4 DELEGATE CLARK: Yes.

5 The members have a copy.

6 THE CHAIRMAN: This would be Amendment No. 1
7 to Amendment No. 9.

8 In the absence of objection, the Chair will not
9 have it read, inasmuch as the form of the amendment is
10 exactly the same as the amendment as originally typed.

11 Is the motion of Delegate Clark for Amendment
12 No. 1 to Amendment No. 9 seconded?

13 DELEGATE LORD: Second.

14 THE CHAIRMAN: The Chair recognizes Delegate
15 James Clark.

16 DELEGATE CLARK: Mr. Chairman, ladies and gentlemen
17 of the committee, this puts us back where we were a few
18 minutes ago, and it places the issue squarely before us,
19 and it leaves no doubt that when we vote for the smaller
20 number, we are also voting for the fractional vote.

21 I believe that there are some delegates in this

1 assembly who would prefer this situation, in which we now
2 find ourselves. I would certainly hope so.

3 Suppose that I should explain fractional votes
4 more thoroughly so that it might be understood by all
5 and that we would have questions if there are some.

6 When you divide the 105 into the population,
7 proposed population of Maryland in 1970, you get an average
8 figure, a mean of 37,700 per delegate. Now, when you look
9 at the population of the counties, there are nine counties
10 which do not meet this minimum. Therefore, there are
11 nine counties which will not have a Delegate which they
12 will be able to call their own.

13 This amendment would say that there will be
14 105 votes in the House of Delegates, and that each, in
15 these five counties the vote which the delegate would be
16 entitled to cast would be in proportion to the population
17 of that county, and the lowest of any of these decimals
18 is one half of a vote. They go up as high as seven-tenths,
19 in the case of Dorchester, I believe, so when I divide
20 the sum of the proportions, proportional vote, this comes
21 to five.

1 Therefore, you must add four delegates, so
2 actually you have 109 members of the House casting 105
3 votes.

4 In the committee we considered the proposition
5 that perhaps a legislative agent might be made available to
6 these counties who would not have a resident delegate.

7 THE CHAIRMAN: For what purpose does
8 Delegate Case rise?

9 DELEGATE CASE: A point of order, Mr. Chairman.

10 THE CHAIRMAN: State your point of order.

11 DELEGATE CASE: It is my understanding that what is
12 before the committee right now is Delegate Clark's amendment
13 to Delegate Sherbow's amendment.

14 THE CHAIRMAN: That is correct.

15 DELEGATE CASE: And that amendment merely seeks
16 to change the numbers back from 120 and 40 to 105 and 35.

17 Now, if that is true, it seems to me that the
18 debate, if debate there has to be, should be limited
19 to that and not to the question of fractional voting.

20 THE CHAIRMAN: Well, I think that is true but
21 it seems to me that Delegate Clark is entitled, in order

1 to explain why he thinks the amendment should be made,
2 and I understand that that is what he is doing at the
3 present time. You may proceed, Delegate Clark.

4 DELEGATE CLARK: When we vote on this amendment,
5 we will be voting for the 35-105 with the fractional vote.
6 That is all together in this amendment. This was a disad-
7 vantage which we labored under in the last vote.

8 I think that I would not say that there are
9 not some problems presented by the fractional vote, but
10 they are not problems which cannot be overcome. If it
11 is the desire of this body to take this step as a compro-
12 mise to meet the situation in which we find ourselves, I think
13 it is a good compromise and we will at the same time
14 accomplish the objective of keeping the House within
15 reasonable bounds for all the reasons we have been stating
16 over the past two days.

17 I am not from one of the smaller counties, but
18 if I were, I would find this amendment to the amendment
19 much more to my liking than the 120, even if you had the
20 fractional vote connected with that.

21 There is a degree of boldness to this step.

1 THE CHAIRMAN: You have one minute, Delegate
2 Clark.

3 DELEGATE CLARK: I think the situation that we
4 find ourselves in calls for some boldness.

5 I would hope that this decision will be made
6 by the people from the small counties who have a good
7 case, and I hope that they will cast their lot with this
8 proposition, because it is my sincere belief that in the
9 long run they will profit by it and the people of this State
10 will profit by it also.

11 THE CHAIRMAN: Does any delegate desire to speak in
12 opposition to the amendment to the amendment?

13 DELEGATE CASE: Mr. Chairman, I rise in opposition
14 to the amendment to the amendment.

15 I think the Chair has established that what we
16 are doing here in effect is reconsidering the vote which
17 we took on Amendment No. 8.

18 What as I understand it is before us is whether
19 or not there shall be 120 members of the House or 105, and
20 whether there shall be 40 members of the Senate, or 35.

21 A few minutes ago we voted on this very question.

1 The vote was 94 to 36 in favor of 120 and 40.

2 I submit, Mr. Chairman, that we have had enough
3 debate on this question. The question is single before us
4 now and I urge we vote the amendment to the amendment down
5 so that we can get on with the consideration of fractional
6 voting.

7 THE CHAIRMAN: Does any delegate desire to
8 speak in favor of the amendment to the amendment?

9 DELEGATE ADKINS: I should like to raise a
10 parliamentary inquiry.

11 Am I correct in assuming that Delegate Clark's
12 amendment to the amendment, if it passes, Delegate Sherbow's
13 amendment as amended fails, that that the earlier vote
14 establishing the House as we have just done, at the 120
15 figure, would still be in full force and effect?

16 THE CHAIRMAN: That is correct; regardless of
17 the action on the amendment to the amendment, if Amendment
18 No. 9 fails, whether in its original form or as amended,
19 that leaves the action of the Committee of the Whole as it
20 was before the amendment was offered.

21 DELEGATE ADKINS: Thank you.



1 THE CHAIRMAN: Delegate Scanlan.

2 DELEGATE SCANLAN: I reluctantly arise to support
3 Senator Clark's amendment.

4 THE CHAIRMAN: Just a second.

5 Is there any other delegate desires to speak --
6 I am sorry, you are quite right. I thought it was open
7 session.

8 Delegate Scanlan is speaking in favor.

9 DELEGATE SCANLAN: The Legislative Committee
10 tried to achieve a number of goals, some of them almost
11 mutually exclusive.

12 We tried to adhere to the one-man, one-vote
13 principle, a substantial population principle.

14 We tried to provide for a small, effective,
15 efficient General Assembly.

16 We tried to the maximum extent possible to see
17 that where it could be done that all areas would be
18 represented, certainly at least in one house and we also
19 of course also had in the back of our mind the fact that
20 there were limits beyond which we could not go, without risk-
21 ing repudiation by the voters in May.

1 Where we broke down was the clash between the
2 substantial and quality principle and the desire to give each
3 county as much representation as it was entitled to.

4 Later in the game, one of the suggestions made,
5 after we completed our report, was the one you now have
6 before you, originally sired by Senator Clark and rather
7 hastily adopted by Judge Sherbow.

8 Personally, I think it is messier than a
9 seabag of a Chinese sailor and I think it is an invitation
10 to litigation, for one thing.

11 What about it, say Montgomery County, that might
12 be entitled to 11/12ths but is not given a half; in other
13 words, the classification here is one that raises serious
14 questions under the equal protection of the laws clause.
15 However, in order to achieve the objective of a small
16 efficient assembly and in order to achieve the further
17 objective of seeing that each county had some representation,
18 I for one would swallow the Clark amendment, although it
19 goes down hard, but I will not swallow it, having repudiated
20 just a few minutes ago the objective of a small, efficient
21 legislature, and having repudiated the arguments made

1 by our able Chariman.

2 I certainly see no obligation to swallow this
3 constitutional monstrosity at the level of 120, but I will
4 take it at the level of 108 or 105, and I support Senator
5 Clark's amendment to the amendment.

6 THE CHAIRMAN: Any other delegate desire to
7 speak in opposition to the amendment to the amendment?

8 DELEGATE RALEY: Mr. Chairman, I wanted to
9 ask Delegate Scanlan a question.

10 THE CHAIRMAN: Delegate Scanlan, will you yield
11 to a question?

12 DELEGATE SCANLAN: It is a pleasure, Senator
13 Raley.

14 DELEGATE RALEY: Delegate Scanlan, you have been
15 through this mill, you are very famous down our way.

16 DELEGATE SCANLAN: It is nothing.

17 DELEGATE RALEY: The question that occurs to
18 me in looking at this immediately is that under the one-man,
19 one-vote, I assume it includes in the legislative
20 representation, it includes everything.

21 If you have fractional voting, percentage voting,

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1 it means that the delegate that would be representative
2 here would not be able to fully partake in everything,
3 and would n't this violate committees and everything else
4 that go on? Wouldn't this violate the one-man, one-vote
5 ruling?

6 DELEGATE SCANLAN: Senator Raley, as I understand
7 it, the representative from the under-populated county, as
8 the phrase appears here, would have all the privileges
9 of membership. He would participate in the debate, he
10 would serve on committees. The only thing, his vote on committees
11 or his vote on the floor would count for a fraction, 70 per
12 cent, or 50 per cent, as the case may be.

13 I think that part does not give rise to
14 constitutional problems. What disturbs me is the classifica-
15 tion between the type of counties that would be entitled
16 to this type of representation and the class of counties
17 that would be denied it for the extra fraction that they
18 otherwise would be entitled to by their population.

19 I do not want to predict how it will come out
20 one way or the other, but it certainly is obviously
21 an invitation to constitutional interpretation, although I

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1 have no urge to undertake the same, but there is no
2 question there is a cloud about its constitutionality
3 but in order to achieve, as I said, to achieve certain
4 other objectives, I for one would run the risk.

5 THE CHAIRMAN: Any other delegate desire to
6 speak in opposition to the amendment to the
7 amendment?

8 Delegate Darby?

9 DELEGATE DARBY: . Mr. Chairman, I would
10 like to suggest to the members of the Legislative Branch
11 Committee that they do as their Chairman said they would;
12 be graceful losers and let's get off this 105-35, 120-40
13 kick and get to the fractional voting.

14 THE CHAIRMAN: Any other delegate desire to
15 speak in favor of the amendment to the amendment?

16 Delegate Sherbow?

17 DELEGATE SHERBOW: I shall be brief. I urge you
18 to put each of these matters in its right context.

19 It was necessary and proper that you be given
20 the opportunity to vote on fractional voting. As offered,
21 it was offered to you on the basis of what you had debated

1 for two and a half or three hours, 120 in the House of
2 Delegates, 40 in the Senate.

3 Tbe amendment now before you by Delegate Clark
4 from Howard County puts you back where you were when you
5 left yesterday afternoon. When you vote against, and I
6 hope you do vote against the amendment to the amendment,
7 you will then have before you for such action as you
8 deem proper the right to vote on 120 and 40 and fractional
9 voting.

10 I hope you will vote against the amendment to
11 this amendment.
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1 THE CHAIRMAN: Any other delegate desire to
2 speak in favor of the amendment to the amendment?
3 Delegate White.

4 DELEGATE WHITE: I wonder if Delegate Sherbow
5 would yield for a question.

6 THE CHAIRMAN: Delegate Sherbow, do you yield to
7 a question?

8 DELEGATE SHERBOW: Yes, indeed.

9 THE CHAIRMAN: Proceed.

10 DELEGATE WHITE: Concerning this fractional
11 vote, I wonder if we could work out some kind of a frac-
12 tion that could get some of my people down here from the
13 counties?

14 DELEGATE SHERBOW: I don't know how you can
15 get some of anybody's people anywhere except by the elec-
16 tion processes, such as those we have in Baltimore City,
17 where people from every group were elected to office, the
18 same way it is done in every other area, voting accord-
19 ing to the laws, and the best man and the best woman
20 getting the top number of votes is the one who is de-
21 clared elected.

1 THE CHAIRMAN: Delegate White?

2 DELEGATE WHITE: Will you yield further? Would
3 it appear to you, sir, that the failure of any people to
4 be elected from any of the counties would indicate there
5 is something wrong with the machinery which has been used
6 in effect?

7 THE CHAIRMAN: Delegate Sherbow.

8 DELEGATE SHERBOW: I don't think it is a mat-
9 ter of machinery. We are in changing times. More and
10 more we find people who fifty years ago and forty years ago,
11 twenty years ago, would not have been in the office they
12 hold. One man had no difficulty finding his way all the
13 way up to the highest office next to that of the President,
14 namely, a member of the Supreme Court of the United
15 States; and he comes from a minority group. All I can
16 say is that in these changing times, we can get to the
17 top, and on your way up to the top just as everybody else
18 can and should, and that is by merit, by struggling, and
19 to borrow a phrase, blood, sweat and tears. (Applause.)

20 THE CHAIRMAN: The Chair recognizes Delegate
21 Clark.

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1 DELEGATE CLARK: Mr. Chairman and ladies and
2 gentlemen, I think I have a little time left, and I would
3 like to use a few seconds of it to answer a question
4 raised by Delegate Scanlan. He said you created two
5 classes of counties and some of the large counties might
6 have a fraction of a delegate left over which they would
7 not get. This is not true. The creation of districts will
8 take care of this, and a district for a delegate could
9 cross the line in the big counties, and I think this would
10 remove this objection which he has raised.

11 THE CHAIRMAN: Any other delegate desire to
12 speak in opposition to the amendment? Delegate Pullen,
13 do you desire to speak in opposition?

14 DELEGATE PULLEN: In opposition.

15 THE CHAIRMAN: You may proceed.

16 DELEGATE PULLEN: Mr. Chairman, when the
17 Greeks fought for ten years against the Croatians and
18 couldn't conquer them, they built a wooden horse and filled
19 it with soldiers and gave it as a gift, I submit to you
20 that today we have a Trojan horse, with the whole General
21 Assembly inside of it; and I think that Mr. Gallagher

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The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be recorded to ensure the integrity of the financial data. This includes not only sales and purchases but also expenses, income, and any other financial activity. The second part of the document provides a detailed breakdown of the company's revenue for the year. It shows the total sales, the cost of goods sold, and the resulting gross profit. This is followed by a list of all expenses, including salaries, rent, utilities, and other overhead costs. The final part of the document summarizes the net income for the year and compares it to the previous year's performance. It also includes a brief discussion of the company's financial outlook for the coming year.

1 with his fluency and his very gracious manner has said,
2 morituri salutamus -- we who are about to die,
3 salute you. Let's get this over with.

4 THE CHAIRMAN: Does anyone desire to speak in
5 favor of the amendment to the amendment?

6 DELEGATE MAURER: I have a question for Judge
7 Sherbow if he will yield. Could Delegate Sherbow tell
8 us how many individuals would be seated in the House as
9 a resolved, fractional voting in a 120-member House which
10 was the compromise figure adopted by this assemblage?

11 DELEGATE SHERBOW: Are you referring to
12 fractional voting?

13 THE CHAIRMAN: Delegate Maurer.

14 DELEGATE MAURER: Under the proposal by Judge
15 Sherbow, we would have 120-member House plus fractional
16 voting. I am asking how many individuals would be seated
17 in this House beyond the 120 which was the compromise
18 figure adopted.

19 THE CHAIRMAN: Delegate Sherbow, will you re-
20 flect on that question while we change tape?

21 DELEGATE SHERBOW: Yes, sir.

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1 THE CHAIRMAN: Please come to order. I am
2 hoping that after today's session, we will no longer have
3 these interruptions by reason of the necessity of changing
4 tape; that the additional equipment will be here so that
5 we can continue without interruption.

6 The Chair recognizes Delegate Sherbow to res-
7 pond to the question.

8 DELEGATE SHERBOW: The response I could give
9 you, Delegate Maurer, is simply this: A number of votes
10 would be, I hope, 110 in the House. The number of physical
11 bodies, however, if the amendment originally sponsored
12 on fractional voting, or some other kind of similar
13 amendment should be passed, would increase the number of
14 bodies. I have no idea which of those amendments, if any,
15 may subsequently pass, but let me show you what would
16 happen, based on the table which was submitted with the
17 Report of the Legislative Branch Committee.

18 Calvert County, under this projection of 105
19 would have three-fifths of a vote; Caroline, a half.

20 I do not know whether under fractional voting
21 they would come up to almost a whole or nearly a whole.

1 The only answer I can give you is that it would need more
2 physical bodies than 120 or 105.

3 I do say, however, that what we ought to do is
4 keep our eye on the ball, and that is, go back to where
5 we were a few minutes ago, and then take up the subject of
6 fractional voting as it should be taken up, namely, frac-
7 tional voting only, without the other clouds over it.

8 THE CHAIRMAN: Does any other delegate desire to
9 speak in favor of the amendment to the amendment?

10 Does any delegate desire to speak in opposition
11 to the amendment to the amendment? Delegate Lloyd Taylor.

12 DELEGATE L. TAYLOR: I would like to ask
13 Delegate Sherbow a question.

14 THE CHAIRMAN: Will Delegate Sherbow yield for
15 a question?

16 DELEGATE SHERBOW: Yes, sir.

17 DELEGATE L. TAYLOR: I wonder under the frac-
18 tional voting system, say for instance if a delegate had
19 a percentage of vote, would he be entitled to the same
20 staff that a delegate who had a full vote, the same staff
21 and the same resources, legislative resources?

1 THE CHAIRMAN: Delegate Sherbow.

2 DELEGATE SHERBOW: You are speaking now of
3 what would be legislative matter and legislative pre-
4 rogatives. We wouldn't for a moment dream in this
5 Constitutional Convention of writing out those details.
6 Those are matters which would belong to the General Assem-
7 bly, and they would have to make the decision as to how
8 many employees they would have, their allotment and the
9 manner in which they would serve.

10 THE CHAIRMAN: Are you ready for the question?
11 The question arises on the adoption of Amendment No. 1 to
12 Amendment 9. The effect of the amendment is to change
13 the numerals, changed by interlineation in Amendment 9
14 back to the form in which they were originally printed,
15 which meant that in Line 12, the number is 105; in Line
16 14, the number is 35.

17 A vote Aye is a vote in favor of the adoption
18 of Amendment 1 to Amendment 9; a vote No is a vote
19 against the adoption of the amendment.

20 Cast your vote.

21 Have all delegates voted? Does any delegate
desire to change his vote? The Clerk will record the

1 vote. There being 46 votes in the affirmative and 77 in
2 the negative, the motion is lost. The amendment to
3 the amendment fails.

4 The question now arises on the adoption of
5 Amendment No. 9. Are you ready for the question? Dele-
6 gate Hanson.

7 DELEGATE HANSON: Mr. President, Mr. Chairman,
8 I rise to speak against the amendment. I think what
9 Delegate Scanlan said earlier about the constitutional
10 monstrosity ought to be well taken by this Committee.

11 I think it is most unwise to create a General
12 Assembly of unequal members. Every member of a legisla-
13 tive body ought to have the same vote to cast in that legis-
14 lative body.

15 It seems to me that this is simply a fundamen-
16 tal of having a good General Assembly, and an effective
17 General Assembly, and effective representation of the
18 constituents of the representatives.

19 For my own part, I would rather see the Gen-
20 eral Assembly have no limit on its size, although I
21 vigorously opposed this kind of proposal yesterday; but I

1 would prefer it to this proposal.

2 Secondly, I think it is worth pointing out,
3 Mr. Chairman, that there could be very serious problems
4 with this proposal. The right that a citizen has under
5 the Federal Constitution to be represented is not a right
6 that can be averaged out with those of other citizens. It
7 is the right of each single individual citizen to be
8 represented equally in his legislature.

9 Under this proposal, again, it is being done
10 with mirrors. It doesn't do what it purports to do. It,
11 in fact, relegates the citizens who live in small coun-
12 ties to an inferior status in the State of Maryland, by
13 allowing them to vote only for a delegate who would cast
14 only a part of a vote, rather than as every other citizen
15 of Maryland, voting for a delegate who could cast a full
16 vote.

17 No one can predict what a court would decide
18 on this question, but it seems to me at the very best that
19 it is of highly questionable constitutionality.

20 The amendment wreaks havoc also with other things
21 that we have attempted to achieve. This body has agreed

1 that the House and the Senate should be larger than the
2 Committee. This is the decision of the body, and I am
3 willing to accept the decision of the body, but the body
4 has also kept the 3 to 1 ratio between House and Senate,
5 and this proposal makes most difficult the maintenance of
6 that ratio in the Constitution.

7 With everything that I can, I sincerely urge this
8 Committee to reject the amendment.

9 THE CHAIRMAN: The Chair does not desire to
10 prolong the discussion to interfere with the lunch hour,
11 but if we are within a few minutes of a vote, I would
12 like to take a vote. I would like, therefore, to inquire
13 now what other delegates desire to speak on the question.
14 If you will just stand, and I can decide what to do. The
15 Chair recognizes Delegate Powers, Chairman of the Com-
16 mittee on Calendar and Agenda.

17 DELEGATE POWERS: Mr. Chairman, I move the Com-
18 mittee of the Whole rise and report that we have not yet
19 concluded our consideration of the Committee Recommenda-
20 tion LB-1, but we report progress.

21 THE CHAIRMAN: Is there a second?

1 All in favor, signify by saying Aye; contrary,
2 No. The Ayes have it. It is so ordered.

3 (The mace was replaced by the Sergeant at Arms.)

4 (Whereupon, at 12:35 o'clock p.m. the Committee
5 of the Whole rose, and the Convention reconvened.)

6 THE PRESIDENT: On behalf of the Committee of
7 the Whole the Chair desires to report the Convention has
8 under consideration Committee Recommendation LB-1 and
9 desires to sit again. The Chair recognizes Delegate Soul.

10 DELEGATE SOUL: I would like to report my
11 presence.

12 THE PRESIDENT: Delegate Soul, would you please
13 repeat, sir?

14 DELEGATE SOUL: I would like to report my
15 presence.

16 THE PRESIDENT: Any other delegates present
17 now who were not present at roll call desire to record
18 their presence? Delegate Mitchell?

19 DELEGATE MITCHELL: I would like to record my
20 presence.

21 THE PRESIDENT: Say it again, please.



1 DELEGATE MITCHELL: I would like to record my
2 presence.

3 THE PRESIDENT: Delegate Macdonald.

4 DELEGATE MACDONALD: Mr. President, I would
5 like to record my presence.

6 THE PRESIDENT: Delegate Barrick.

7 DELEGATE BARRICK: I would like to report my
8 presence, Mr. President.

9 THE PRESIDENT: Delegate Gallagher.

10 DELEGATE GALLAGHER: I should like to report
11 my presence, and lack of effectiveness.

12 THE PRESIDENT: Delegate Pascal.

13 DELEGATE PASCAL: I would like to report my
14 presence.

15 THE PRESIDENT: Delegate Hodge Smith?

16 DELEGATE H. SMITH: I would like to report my
17 presence.

18 THE PRESIDENT: Delegate Singer.

19 DELEGATE SINGER: I would like to record my
20 presence.

21 THE PRESIDENT: Any other delegates desire to

1 indicate their presence? Delegate Bothe.

2 DELEGATE BOTHE: I would like to report my
3 p resence.

4 THE PRESIDENT: I am sorry, I will have to ask you
5 to say so again.

6 DELEGATE BOTHE: I would like to report my
7 presence.

8 THE PRESIDENT: Delegate Schloeder.

9 DELEGATE SCHLOEDER: I would like to report
10 my presence.

11 THE PRESIDENT: Any others? Delegate Key.

12 DELEGATE KEY: I would like to report my presence.

13 THE PRESIDENT: Any other delegates? Delegate
14 Fox.

15 DELEGATE FOX: Mr. President, I would like to
16 report my presence.

17 THE PRESIDENT: Delegate Boyer.

18 DELEGATE BOYER: Mr. President, I would like to
19 report that the General Provisions Committee will again
20 have a luncheon meeting immediately after this session and
21 extend my sympathy to Delegate Gallagher.

1 THE PRESIDENT: Delegate Gill.

2 DELEGATE GILL: I would like to report my
3 presence.

4 THE PRESIDENT: Any other delegate? Delegate
5 Malkus.

6 DELEGATE MALKUS: Mr. President, I would like
7 to join the multitude of those who came in late, and I
8 would like to record my presence also.

9 THE PRESIDENT: Any other delegates desire to
10 record their presence officially for the record? The
11 Chair recognizes Delegate Powers.

12 DELEGATE POWERS: Mr. President, I move we
13 recess until 2 o'clock.

14 THE PRESIDENT: All in favor, signify by saying
15 Aye; contrary, No. The Ayes have it. It is so ordered.

16 (Whereupon, the Convention recessed at 12:37
17 o'clock p.m., to resume at 2 o'clock p.m. of the same day.)
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A F T E R N O O N S E S S I O N

November 9, 1967 - 2:00 p.m.

THE PRESIDENT: The Sergeant at Arms will
clear the aisles and close the doors.

The Convention will please come to order.

Roll call.

(Whereupon, the roll call was taken.)

THE PRESIDENT: Has every delegate answered roll
call?

The Clerk will record the roll call.

The Convention will please come to order.

We have some additional reports from standing
committees: Committee Recommendation No. SF-3. The
Clerk will read the Recommendation.

MR. QUILLEN: Committee Recommendation SF-3:
A Recommendation that the Constitution include the following
provisions with respect to taxes, assessments and exemptions.

The Committee on State Finance and Taxation
recommends that the Constitution include the following
provisions with respect to taxes, assessments, and exemp-
tions:

1 THE PRESIDENT: Committee Recommendation
2 No. SF-3 is referred to the Committee of the Whole.

3 Accompanying this recommendation is Committee
4 Memorandum No. SF-3. You either have or will have both
5 before the afternoon is over.

6 Committee Recommendation SF-4. The Clerk
7 will read the Recommendation.

8 MR. QUILLEN: Committee Recommendation SF-4:
9 A Recommendation that the State Constitution include the
10 following provisions with respect to State Debts and Gifts.

11 The Committee on State Finance and Taxation
12 recommends that the State Constitution include the follow-
13 ing provisions with respect to State Debts and Gifts:

14 THE PRESIDENT: Committee Recommendation No. SF-
15 4 is referred to the Committee of the Whole.

16 You have or will have this afternoon Committee
17 Memorandum SF-4, accompanying Committee Recommendation No.
18 SF-4.

19 Are there any motions or resolutions?

20 (No response.)

21 If not, the Chair recognizes Delegate Powers.



1 DELEGATE POWERS: Mr. President, I move the
2 Convention resolve itself into the Committee of the Whole
3 for the purpose of resuming consideration of Committee
4 Recommendation No. LB-1, and that the debate schedule be
5 amended so as to permit 15 minutes to Delegate Lord for
6 presentation of a position with respect to legislative
7 districts; 15 minutes to include time yielded to answer
8 questions.

9 THE PRESIDENT: Is there a second?

10 (Whereupon, the motion was seconded.)

11 THE PRESIDENT: All in favor signify by saying
12 Aye; contrary, No. The Ayes have it. The motion is
13 carried.

14 (The mace was removed by the Sergeant at Arms.)

15 (Whereupon, at 2:07 the Convention resolved
16 itself into the Committee of the Whole.)

17 THE CHAIRMAN: The Committee of the Whole
18 will now come to order.

19 The Committee of the Whole has before it for
20 consideration Amendment No. 9. At the proper time and
21 before this is submitted to vote, the Chair will divide

1 the question so as to eliminate consideration at this
2 time of the question of single member districts.

3 After we dispose of this amendment if there
4 are no other amendments pertaining to the size of the
5 legislature, the Chair will entertain amendments to section
6 3.04 with the question of single member districts.

7 Does anyone desire to speak in favor of Amend-
8 ment No. 9 to Committee Recommendation No. LB-1?

9 Delegate Miller, Beatrice Miller.

10 DELEGATE B. MILLER: Mr. Chairman, I would
11 like to ask a question of the maker of the amendment,
12 Delegate Sherbow, if I might.

13 THE CHAIRMAN: Delegate Sherbow, do you yield
14 to a question?

15 DELEGATE SHERBOW: Yes, indeed.

16 DELEGATE B. MILLER: I would like to know
17 Delegate Sherbow, whether or not you favor this amendment,
18 and if you do, why do you? We have not heard from you.

19 DELEGATE SHERBOW: Well, I must say I am glad
20 you asked the question. I am in this situation, which I
21 had explained before: When the other amendments were before

1 this Assembly and it was clear that the subject of frac
2 tional voting would be withheld from the assemblage if the
3 vote on the 120-40 division was carried, but would be
4 presented to the body if the other ratio of 36-108 was car-
5 ried.

6 I took the view then that I was in the
7 situation of a member of the House of Delegates or of the
8 Senate who would be asked normally to present something
9 by request. In this instance, this request comes from
10 my inner self, because my conscience compelled me to see
11 to it that those people who wanted to discuss the subject
12 of fractional voting had the opportunity to do so on the
13 floor, and to air and debate this subject; but your question
14 is how I feel about it. I can simply say that
15 on the subject of fractional voting, this is not my cup
16 of tea.

17 THE CHAIRMAN: Does any delegate desire to speak
18 in opposition to Amendment No. 9?

19 Delegate Weidemeyer.

20 DELEGATE WEIDEMEYER: Mr. President, Members
21 of the House:

1 While I appreciate the sentiment of Delegate
2 Sherbow and the thought behind it, I will have to oppose
3 that amendment of his because of the fact that it is
4 fractional voting rather than a weighted voting, and there-
5 fore would be far more complicated. In discussion and
6 later on I hope to offer an amendment for a weighted voting
7 plan in the Senate which will not have the fractional vote,
8 but will have whole votes and will be more easily computed;
9 and I think in the Senate there is more need for represen-
10 tation of every county than there is in the House.

11 And while I am in sympathy with his motives and his
12 desire to help the smaller areas and the rural areas, I do
13 feel that probably we can approach the problem better by
14 a plan in the Senate.

15 THE CHAIRMAN: Does any delegate desire to
16 speak in favor of Amendment No. 9?

17 Delegate Hickman.

18 DELEGATE HICKMAN: Mr. Chairman, I would like
19 to remind the delegates who were favoring the fractional
20 system of voting if the former amendmend had passed, 108
21 and 36, the values of fractional voting

1 would not have changed.

2 I would expect you to, if you were sincere
3 before -- and I am sure you were -- to vote for fractional
4 voting now. It is the only way people of the small counties
5 have of getting a voice into the legislature. We have
6 heard people say that the Committee on Local Government is
7 taking care of the local subdivisions by giving them more
8 power. I would like to say in answer to that, that yes,
9 if you want the people in the smaller counties to go with-
10 in themselves and take care of the local problems and have
11 nothing to say about the running of the Government of the
12 State of Maryland, you are indeed taking care of these
13 problems.

14 The only thing you have done is replace the
15 machinery for getting the legislation passed, whereas the
16 local legislation was passed formerly here in
17 Annapolis and it will be passed at home, and that is
18 good. But we also want some representation when we con-
19 sider the taxation, when we consider the matter of the
20 budget, when we consider the matter of capital improvements,
21 et cetera.

1 We can't sit back in our little bailiwick
2 at home and decide these things, or have any part in the
3 decision.

4 I might say that a person who comes from a
5 county with 20,000 people and who has one-half, or who
6 are represented by one-half vote, would have a proportion of
7 1 to 240, and that would be the same ratio as having
8 two counties side by side having 1-120 and each of the
9 two counties having 20,000 people and only half of that
10 represented. So I would ask those of you here who are going
11 to vote on this question today to take into consideration
12 that this is the only way we can have fair representation
13 in the smaller counties.

14 THE CHAIRMAN: Does any delegate desire to
15 speak in opposition?

16 Delegate Borom.

17 DELEGATE BOROM: Mr. Chairman, fellow Delegates:

18 There are two things I have a great deal of
19 reluctance to do in this Assembly, one of which is to
20 delay the action of the Assembly; the other to pose a
21 threat that if there are certain things included in the

1 new Constitution the voters will go against it.

2 Let me speak on the first area of concern
3 that I have. I am all for moving on with the business
4 of this Convention. However, just as some of my fellow
5 delegates are willing to delay the work of this body
6 in order to bring out certain provisions in the Consti-
7 tution -- and I call this the "wear them down" technique --
8 I am willing to prolong debate also on those matters against
9 which I may have strong feelings.

10 I would say two sides can play the game, and I
11 characterize the present effort as a game. It is a numbers
12 game. The evidence of such shenanigans has no place in
13 a Constitution. Our political slip is showing right now.
14 If we put this fractional item in the Constitution the
15 voters will know exactly what we have been doing here today.

16 I would also find that if we leave this business
17 of expansion, business of fractional voting in the Consti-
18 tution we lay the way later for amendments which will
19 further expand it. This is deception. This is a game.

20 On my second area of reluctance to speak,
21 I don't like the reference to the fact that the voters

1 may turn the Constitution down if there is something
2 not in there that we like, and yet I would find it very
3 difficult to say to my constituents, or to explain to
4 them and justify, or speak in behalf of this particular
5 amendment if it was included in the Constitution. I would
6 find it very difficult to say to them why it was there,
7 because if I said to them why it is in there I would have
8 to reveal the actions of this body, and I think the actions
9 at this point are contrary to the wishes of the voters of
10 the State.

11 If we put such an amendment in the Constitu-
12 tion we are really insulting the intelligence and the dig-
13 nity of the voters in the State of Maryland, to include
14 such a thing.

15 I would go further to say that if I was asked,
16 were the Constitution drafted and put to the voters with
17 such an item in it, and my constituents asked me how I
18 favored this Constitution at that point, I would have to
19 say that I couldn't go for it.

20 I am impressed with the compassion, the
21 consideration the delegates here are showing for the small
counties, and yet I am also impressed

1 with the fact that the small counties held sway in the
2 State for many years, and I have yet to find that such
3 compassion, such consideration has been shown for all
4 minorities across the board; and I certainly hate to
5 bring this area in. I am not speaking of the Negro minority.
6 I am speaking of the minorities of a variety of ranges in
7 the State of Maryland.

8 I think if we are going to give such consideration
9 here then we have got to give it across the board. I agree
10 with Delegate Hanson that if we go with the fractional
11 voting formula that we might as well go back and reconsider
12 our action of yesterday and let the General Assembly
13 set its own size.

14 THE CHAIRMAN: Any other delegate desire to
15 speak in favor of the amendment?

16 Delegate Hostetter.

17 DELEGATE HOSTETTER: Mr. Chairman, I rise
18 in support of the amendment now before the Convention,
19 or the Committee of the Whole.

20 I believe this amendment offers a plan based
21 on compromise and reason.

1 I do not believe that it is an amendment based on deception.
2 If this were so, our forefathers would have been guilty
3 of gross deception, for in the Federal Constitution it is
4 provided that each State have a representative.

5 We all know that Congressional districts are
6 formed on the basis of a one-man/one-vote concept. How-
7 ever, the State of Alaska has a population of 226,000.
8 A Congressional district which would have the proper
9 number, according to the one-man/one-vote concept, would
10 have 410,000. I don't believe anyone has ever suggested
11 Alaska be represented with the State of Washington.

12 While Alaska has 226,000, Delaware is
13 represented by one representative with 440,000.

14 I say again, this is a compromise, but a com-
15 promise with reason, and there are many practical reasons
16 for each county having a voice in Annapolis. First of
17 all, that delegate would be the voice of the county within
18 the legislature, and in many cases with the rest of the
19 State. He assists the legislature by providing informa-
20 tion of the effect of Statewide legislation on his county.
21 He is a ready source of information for the county

1 government and his constituents in the county as to
2 what is going on in the legislature.

3 If the recommendation of the Local Government
4 Committee goes through, the county government will be, and
5 as it has been, our basic unit of government, and I
6 believe that all of these basic units of government should
7 have a voice in the legislature, even if it is a fractional
8 voice.

9 Therefore, I support the amendment. Thank you,
10 sir.

1 THE CHAIRMAN: Before recognizing anyone else
2 to speak, I would like to take a moment to acknowledge
3 the presence in the gallery of Senator Mary L. Knott,
4 President Pro Tem of the Senate, Senator Verda Welcome,
5 Baltimore City, Delegate Tirusati and Delegate Al Whippen of
6 Ann Arundel County. We are delighted to have them with us.
7 (Applause)

8 Does any delegate desire to speak in favor of
9 the amendment?

10 (No response)

11 THE CHAIRMAN: If not, the Chair recognizes Delegate
12 Henderson to speak in opposition of the amendment.

13 DELEGATE HENDERSON: Mr. Chairman, fellow
14 delegates: I rise with some reluctance to express an
15 opinion which, while it is due to a very limited
16 amount of research over the lunch hour, and which may be
17 therefore termed a curbstome opinion, nevertheless it is
18 my opinion that this proposal is a violation of the Federal
19 Constitution, and I say that, based upon the authorities
20 which I have been able to examine over the lunch hour.
21 The leading authority on the subject appears to be that

1 of a three-judge federal court in New York.

2 It is the case of WMCA versus Lamemsa,
3 and it involved the reapportionment of the New York
4 Legislature. The Legislature there, when it was compelled
5 to reapportionment by a court order, set up four alternate
6 plans. Plans D and C involved various similar proposals
7 to the one which is before this body now and this three-
8 judge federal court, which Circuit Judge Waterman wrote the
9 opinion joined by District Judges Ryan and Leppitt, definitely
10 declared that those plans violated the federal Constitution.

11 It was pointed out that if voting were the only
12 function of a legislature, the scheme might not offend
13 the basic standard of the quality, but legislators have
14 numerous important functions that have nothing directly
15 to do with voting.

16 Participating in the work of legislative committees
17 and party caucuses, debating on the floor, discussing
18 measures with other legislators and executive agencies and
19 the like. The assemblyman who represents one-sixth
20 of the districts can theoretically give each constituent
21 six times as much representation in these respects as the

1 assemblyman who represents a full district.

2 This disparity of representation persists, even
3 if the state is right in arguing that the assemblyman,
4 with only one-sixth of the vote, will carry only one-sixth
5 as much political weight when he engages in the activities.
6 Moreover, fractional districts are enjoyed mainly by the
7 sparsely populated of the state.

8 Of the 47 per cent who cast fractional votes under
9 Plan D, 37 are from counties too thinly inhabited to have
10 any additional representation in the assembly. Of the
11 39 assemblymen who would cast fractional votes under
12 Plan C, 34 are from counties too thinly inhabited to have
13 any additional representatives.

14 None of the assemblymen with fractional votes
15 under either plan are from New York City or Nassau
16 County.

17 In view of the Supreme Court's concern for New York's
18 traditional bias against voters living in the state's
19 more populous counties, citing the case which had gone
20 to the Supreme Court from New York, this imbalance makes
21 fractional voting particularly vulnerable.

1 He goes on with other arguments and then sums
2 it up this way: Accordingly, we hold that Plans D and C
3 violate the 14th Amendment of the U. S. Constitution, and
4 therefore do not comply with the July 27 order of this
5 Court.

6 That is a square holding and that was firmly
7 affirmed by the Supreme Court. In the affirmance, which
8 is in 382 US, it was affirmed per curiam, Mr. Justice Harlan
9 wrote a concurring opinion in which, however, he noted
10 that so far as he was concerned, that did not involve determi-
11 nation of the federal question, because the Plan A, which was
12 approved by the District Court, had been based on a matter
13 of state law.

14 In other words, they found that that complied
15 with the state constitution, and therefore Mr. Justice
16 Harlan felt that the federal question was not reached
17 in their decision.

18 THE CHAIRMAN: Delegate Henderson, you have one half
19 minute.

20 DELEGATE HENDERSON: I am sorry.

21 There are a few other cases in which it has been

1 hinted that this matter is one that might be effective,
2 if the proposition were merely that as a temporary measure, to
3 avoid a first shot in reapportionment, it might be allowed
4 to stand, but no court in this country has sustained it
5 as a permanent part of the constitution.

6 THE CHAIRMAN: Any other delegate desire
7 to speak in opposition?

8 Delegate Grant?

9 DELEGATE GRANT: I join with our distinguished
10 Chief Judge in his analysis.

11 However, there have been a few more cases
12 brought up which indicates that the matter is still
13 unsettled.

14 On the particular case to which he referred, there
15 was a further proceeding in the Supreme Court the following
16 year at which it was agreed by all parties the question
17 was moot, so not only was the federal question never
18 reached, but it was dismissed on account of mootness.
19 There was a recent case last year which arose in Virginia
20 Beach. In this case it was a question of whether
21 although all the councilmen were elected City-wide, they

1 be required to reside in the districts. The only applicable
2 thing here is the Supreme Court's reason for upholding
3 this, in which they indicated that the value to the
4 legislative body or the expertise of the people from various
5 sections would offset any unfavorable influence which might
6 come from their being resident in only one section.

7 THE CHAIRMAN: Any other delegate desire to
8 speak in opposition to the amendment?

9 Delegate Gallagher?

10 DELEGATE GALLAGHER: Mr.Chairman, I wish you
11 would record my time as one-half for the opposition
12 and one-half for the affirmative because I would like the
13 House to know what the actual impact of the proposal
14 is on the counties and what counties are involved, and
15 I feel that they ought to have this before they vote.

16 THE CHAIRMAN: You may proceed.

17 DELEGATE GALLAGHER: Assuming a 120 vote in the
18 House of Delegates for 1970, using the projected population
19 as provided by State Planning Commission, here are the
20 nine counties which would have percentage votes in 1970,
21 and the percentages they would have: Calvert would have

1 a 70 per cent vote, that is, seven-tenths of one
2 vote, Caroline, six-tenths of a vote, Garrett, six-tenths
3 of a vote, Kent, five-tenths of a vote, Queen Annes,
4 seven-tenths of a vote, Somerset, six-tenths of a vote,
5 Talbot, seven-tenths of a vote, Worcester, eight-tenths
6 of a vote, Wicomico, eight-tenths of a vote.

7 Now, happily, these nine per centage figures
8 add up to an even 6.00.

9 In order to implement the amendment as we have
10 it before us, to provide for 120 votes, therefore, we would
11 have to add three more bodies to The 120 and have 123
12 delegates casting 120 votes. As a result of this you
13 would be required to increase the number of warm bodies
14 in the Senate from 40 to 41, since the Senate must reflect
15 one-third the total of thebodies in the House.

16 The amendment, of course, calls for votes
17 and you must keep adding people until you are at a point
18 where you do have 120 votes in the House, so as a result of
19 nine countiæ sending nine deelgates to cast in the
20 aggregate six votes, you have 123 in the House and 41 in
21 the Senate, and you ought to have, I would say, a

1 computer to help.

2 THE CHAIRMAN: Any delegate desire to speak in
3 opposition to the amendment?

4 Delegate Gill, do you desire to speak in opposi-
5 tion?

6 DELEGATE GILL: Yes.

7 When the fractional vote was introduced in
8 the Legislative Committee by Delegate Clark, I think most
9 of us voted for it tentatively, until we thought about it.
10 We were all in sympathy with it, but the group was at a dis-
11 advantage. There was a close count. I cast my vote for it
12 because as I said then, that this seemd to be a bridge.

13 I am not a native Marylander, but in the 23
14 years I have been here, I have learned one thing, that
15 the people in Maryland do not change fast, and realizing
16 that, I thought perhaps this could be a bridge, while the
17 counties could be orientated to the idea that county lines
18 are not sacred.

19 As times cahnge, and we progress, county lines will
20 have to give some. We would like to reapportion the state,
21 but we have been considering the fact that when it is

1 reapportioned, that it would be done with certain outlines.
2 The district would be compact, and other ingredients,
3 but one thing that one committeeman said, and he said it
4 in a joking way, but he said that they would be contagious.

5 To me that was not too much of a joke, because
6 the people who move into the counties want to stay
7 so close together, even though across the county line, or
8 the district line.

9 The people next door might have more things in
10 harmony than the people in their own county or their own
11 district, so with the idea that perhaps for a period of time
12 this might act as a bridge to help make the transition from
13 the fact that the counties would have to learn to realize
14 that they will eventually have to give up their county lines,
15 that this might help, but after I went home and thought
16 about it more, I decided that I did not see how in the
17 world that could be constitutional. The one-man, one-vote
18 idea is very good, and I live by the principle that you
19 do unto others as they would do unto you, and I could not
20 imagine anybody representing me with a half vote, quarter
21 vote, I don't care what part of Maryland I lived in, that

1 I would be satisfied with that and if I would not be
2 satisfied with it, I certainly would not vote for it for
3 somebody else and especially if the number of the
4 legislature would be large, like this is proposed, 160 people,
5 so I am speaking against the amendment for two reasons: I
6 do not think it would be constitutional -- I am not a lawyer,
7 so I was hoping to get an opinion from you, or that we
8 would get an opinion from the Attorney General, but that
9 was not asked, but I appreciate Delegate Henderson's
10 hasty research, and that strengthens my belief in the
11 fact that what we are doing would not be constitutional.

12 It would be a false hope for the people in the
13 county, and since what has been suggested in other amend-
14 ments, or fair representation with one full vote for
15 one person, can be adopted, I see no reason to go to this
16 way and see some people under-represented.

17 THE CHAIRMAN: Any other delegate desire to
18 speak in favor of the amendment?

19 Delegate Rybczynski?

20 DELEGATE RYBCZYNSKI: Mr. Chairman, there are
21 two matters which are bothering me, as much as I would

1 like to vote for this matter, and I would yield my time,
2 after stating the two things that are bothering me, to whoever
3 would want to address themselves to the problem.

4 One is, what about the proposition that Delegate
5 Hanson put so plainly this morning; that is, that if you live
6 on this side of the street when you go to vote, your vote
7 is for a full delegate, and if you live on the other side
8 of the street, your vote is for a half delegate, and the other
9 thing that is bothering me is that after you get these
10 people into the House, how would you assign them to the
11 committees and how will they vote in the committees?

12 I will be glad to release my time to whoever would
13 want to address themselves, either Delegate Grant or
14 Deelgate Adkins, Delegate Hostetter, whoever would want
15 to address themselves to the problem.

16 THE CHAIRMAN: Any delegate desire to speak in
17 opposition?

18 Any other delegate desire to speak in favor?

19 Delegate Koss?

20 DELEGATE KOSS: I rise to ask a question. I
21 do not want to take any time away from anyone.

1 THE CHAIRMAN: Let me find out if anybody
2 desires to speak either in favor or in opposition.

3 Does anybody desire to answer Delegate Rybczynski's
4 question?

5 The Chair recognizes Delegate Koss.

6 DELEGATE KOSS: I would like to ask a question
7 of Chairman Gallagher, who has so clearly explained what
8 the effect of fractional vote would be in terms of the size
9 of a House of Delegates, in terms of adding three to the
10 House of Delegates and the necessity of adding another member
11 to the Senate.

12 I wonder if he could answer my question in terms
13 of projected population growth and the fact that the small
14 counties' experience in the past has been that they grow
15 at a slower rate than the large counties, and am I correct
16 in assuming that in the future, the number that these
17 fractional votes might add up to, in terms of their
18 percentage of the total, would probably be less than the
19 six per cent, say, at some point it adds to three. Does
20 this mean, then, that you have to increase the size of
21 the House by six, and the size of the Senate by two, and is

1 this not in fact then a removal of the limitation on
2 the size of the General Assembly?

3 THE CHAIRMAN: Delegate Gallagher?

4 DELEGATE GALLAGHER: I think the amendment is
5 hinged on providing a certain number of votes, and that
6 the control vote is the vote in the House of Delegates,
7 so you must determine how many people it will take to
8 provide you with 120 votes.

9 Now that number may grow larger over the years,
10 if some of the counties do not grow as fast as other
11 areas, so that it could be that it would take 130 Warm
12 bodies to cast 120 votes.

13 I guess theoretically if the number of subdivisions
14 in Maryland stays at 29, that it might be after a while
15 that the number could theoretically go up to 12 or 15, I suppose

16 Then, having determined that, what the number
17 of the House of Delegates is, in order to cast 120 votes,
18 you then apply your one-third figure to the Senate to produce
19 that number of corresponding bodies to keep your ratio
20 where it is supposed to be. To provide the same number of
21 votes you need a certain number of bodies, so it works



1 in a not very simple way, as far as I am able to see.

2 I do not want you to feel that in my answer I
3 am in any way discouraging this approach.

4 THE CHAIRMAN: Ahy further debate?

5 Delegate Chabot?

6 DELEGATE CHABOT: Would Mr. Gallagher yield for
7 another question on this same line?

8 THE CHAIRMAN: Does Delegate Gallagher yield to
9 a question?

10 DELEGATE GALLAGHER: Yes, I will.

11 DELEGATE CHABOT: I noticed that in describing
12 the fractions of the vote that each of the counties
13 would have, you indicated that each county would have a
14 whole number of tenths of votes. Is there anything in
15 the language before us that would authorize stopping the
16 fractional computation at one decimal place?

17 DELEGATE GALLAGHER: No.

18 THE CHAIRMAN: Delegate Gallagher.

19 DELEGATE GALLAGHER: No. As a matter of fact,
20 Wicomico under the projection has actually one full delegate
21 in 1970, and an additional eight-tenths delegates, so you
would have first class, Class A, Class B delegate from

1 Wicomico. That is the reason.

2 Wicomico is the reason I think that the original
3 language on line 28 had the sentence, if any county
4 entitled to more than one delegate is completely surrounded
5 by counties so insufficient in population that all their
6 delegates cast a percentage vote, that county shall be
7 entitled to the full number of delegates, with one vote,
8 plus one delegate casting a percentage vote, which would
9 be ,as far as I am able to tell, only applicable to Wicomico
10 in 1970.

11 THE CHAIRMAN: Delegate Chabot?

12 DELEGATE CHABOT: If I may continue, are you
13 sure that it is .8 rather than .79, or .785, or at what point
14 do you determine when to round off the figures?

15 THE CHAIRMAN: Delegate Gallagher?

16 DELEGATE GALLAGHER: The staff came as close as it
17 could in coming up with a number

18 We did not get into hundredths. We got into
19 tenths. Whether this would be good practice when you are
20 actually allocating the percentages, I am not certain.

21 THE CHAIRMAN: Delegate Chabot?

1 DELEGATE CHABOT: I am trying to find out what
2 the Constitutional command is, rather than what we do
3 here for the moment to give a brief illustration.

4 I find nothing in this draft language which would
5 authorize whoever makes the official computations to stop
6 at any particular number of decimal points.

7 THE CHAIRMAN: Delegate Gallagher.

8 DELEGATE GALLAGHER: That is quite true. A
9 percentage vote can be carried out to four or five places
10 I suppose. The only thing I know is that it might have
11 to be delimited at some point constitutionally to decide
12 how far you would go.

13 One of the problems there is, if you really mean
14 that you only have 120 votes, you might find yourself in a
15 situation where you really could not project the percentages
16 to a point where you had exactly 120 votes, and you would
17 always fall either short of 120 or be over 120.

18 I suggest the way to remedy that is to allocate
19 percentage voters votes to the members of the Court of
20 Appeals.

21 THE CHAIRMAN: Delegate Hickman?

1 DELEGATE HICKMAN: Mr. Chairman, I think in
2 answer to the last question, the Supreme Court did expect
3 some deviation, and I do not think it will ever come to
4 an exactness, as the question implies.

5 I thought someone else would answer Delegate
6 Rubczynski. The first question was, would the people in the
7 small county on one side of the street who only have a half
8 vote and no representative be satisfied if the person on
9 the other side has a full representative?

10 I think the smaller counties would believe so,
11 and I might say that the person who has the half vote
12 might have more influence in the legislature than the
13 person on the other side that has the full vote, so I do
14 not think the Supreme Court will ever be able to reach a
15 certainty, where everybody who comes here has the same
16 ability, the same IQ and everything else, so the smaller
17 counties would prefer that.

18 THE CHAIRMAN: Delegate Gallagher?

19 DELEGATE GALLAGHER: Mr. Chariman, there is another
20 answer to Mr. Rybczynski's question, which perhaps might
21 be helpful, and that is, of course, some counties might

1 have more than one delegate, so that if I live in County
2 A, I would be represented by two delegates; if I lived
3 in County B, I would be represented by one, so you could
4 say theoretically that a resident of one county has twice
5 as much voting power, because he has got two votes in
6 the house than the man who lives in the one where he only has
7 a single representative, so it is not really entirely
8 out of line to say that a regular voter in one county has
9 more or less of an impact.

10 It is just a question of what you do with the
11 fraction and how significant it gets.

12 I do not know how you break ties, whether if
13 you have 60.3, that is good enough to get over a majority,
14 if you need 120.5. I just don't know.

15 THE CHAIRMAN: Before putting the question,
16 the Chair would like to announce that we are proud to have
17 with us in the gallery today the Honorable William Houck,
18 Chairman of the House Ways and Means Committee. We are
19 delighted to have him here. (Applause)

20 Are you ready for the question?

21 The question arises on the adoption of Amendment
No. 9.

1 DELEGATE KEY: Mr. Chairman.

2 THE CHAIRMAN: Delegate Key.

3 I am sorry.

4 DELEGATE KEY: I have just one thing I would
5 like to throw out here. I don't know how far the delegates
6 are planning to go with the fractional voting, but it seems
7 we are trying to equate here an objective way of deciding
8 delegates by population figures, with a subjective way,
9 the interest of a particular area. I would simply like
10 to say that I represent an area that is distinctly cut into
11 four areas of interest, and if we are going to consider
12 giving the county on the Eastern Shore, which certainly
13 has a more singular interest than the Second District of
14 Baltimore City, then too I would like to be considered in
15 fractional voting.

16 THE CHAIRMAN: Does any other delegate desire
17 to debate the question?

18 Delegate Della.

19 DELEGATE DELLA: Mr. Chairman, I would like
20 for Delegate Gallagher to answer a question, if he will.

21 THE CHAIRMAN: Will Delegate Gallagher yield?

1 DELEGATE GALLAGHER: I will.

2 THE CHAIRMAN: Delegate Della.

3 DELEGATE DELLA: If this proposal is adopted
4 and the lowest denomination of figures get it, would a
5 larger county have the privilege of dividing their dele-
6 gates in that average, or what denomination?

7 DELEGATE GALLAGHER: I don't think so. What
8 I think you would do, you would take the 29, or pardon
9 me, the number of subdivisions, you would take the 120,
10 divide it into the population of the State, see what the
11 median was, then compare each county's population against
12 the median figure, and if it did not equal one, then you
13 would determine what percentage it did equal of the
14 median population and assign that percentage, some agreed-
15 upon point, to the delegate represented by the county.
16 If it was more than one it would have its full delegate
17 plus a delegate that had a percentage vote, if it were
18 completely surrounded by counties that did not have a
19 full vote. If it were not so surrounded, it then seems
20 to me that it could be added to somebody who also had one,
21 two, or a fraction.

1 I would say you would have an entertaining
2 time.

3 THE CHAIRMAN: Delegate Della.

4 DELEGATE DELLA: Yes.

5 Suppose I give you an example: If one county
6 is entitled to .50, another county is entitled
7 to five whole votes, are they then in a position to say that
8 they are going to send ten men here with a half a vote?

9 DELEGATE GALLAGHER: No. You must take one
10 delegate, as I understand it, for every one of your basis
11 of representation. You can only deal with a fraction
12 after you have exhausted every integer, or whatever term
13 you want to use for one.

14 THE CHAIRMAN: The Chair would like also to
15 announce that we are favored to have in the gallery today
16 Senator and Mrs. Goodloe Byron of Frederick County.
17 Delighted to have you. (Applause.)

18 Anyone else desire to debate or ask questions?

19 Delegate Beall.

20 DELEGATE BEALL: I just want to announce my
21 presence here this afternoon.

1 THE CHAIRMAN: All right, sir.

2 Before putting the question --

3 Delegate Dorsey.

4 DELEGATE DORSEY: I would like to announce my
5 presence.

6 THE CHAIRMAN: Delegate Sybert.

7 DELEGATE SYBERT: Mr. Chairman, I would like
8 to record my presence.

9 THE CHAIRMAN: Does any other delegate not pre-
10 sent at roll call desire to record his presence?

11 Delegate Willoner.

12 DELEGATE WILLONER: Mr. Chairman, I would like
13 to record my presence.

14 THE CHAIRMAN: Delegate Byrnes.

15 DELEGATE BYRNES: I would like to record my
16 presence.

17 THE CHAIRMAN: Delegate Boileau.

18 DELEGATE BOILEAU: I would like to record my
19 presence.

20 THE CHAIRMAN: Delegate Frank Robey.

21 DELEGATE ROBEY: Mr. Chairman, I would like

1 to record my presence also.

2 THE CHAIRMAN: Delegate Groh.

3 DELEGATE GROH: I would like to record my
4 presence.

5 THE CHAIRMAN: Any others?

6 DELEGATE BOTHE: I would like to record my
7 presence.

8 THE CHAIRMAN: Any others?

9 Delegate Dulany.

10 DELEGATE DULANY: I would like to report my
11 presence, Mr. Chairman.

12 THE CHAIRMAN: Any others?

13 Now, I would like to make the announcement
14 that I have started four times to make. There have been
15 so many requests for copies of each vote that we can
16 no longer furnish them by Xeroxing them as we have been
17 doing. Accordingly, beginning with the next vote, which
18 I hope will occur in the next 30 seconds, we will
19 make duplicated copies, 200 of them, of every tally sheet.
20 It will take us at least 20 minutes. A copy of the vote
21 will be put on the desk of each delegate. Please do not

1 send pages to the reading clerk's desk to borrow his
2 only copy.

3 While I am making announcements, I have been
4 requested to announce that someone has apparently inad-
5 vertently walked off with the wrong overcoat, a black over-
6 coat that was last seen in the press room. If you know
7 the whereabouts of an unclaimed black overcoat, put a
8 notice in the press room.

9 The question now arises on the adoption of
10 Amendment No. 9 to Committee Recommendation LB-1. The
11 Chair is dividing the question, and is submitting to you
12 at this time all of the amendment except the last sentence
13 in the first paragraph, beginning with the words "Each
14 delegate," on line 14, and ending with the word "district,"
15 in line 17.

16 In other words, we are taking out of the
17 question on which you are voting now the question of single
18 member districts.

19 A vote Aye is a vote in favor of Amendment No.
20 9. A vote No is a vote against.

21 Does any delegate desire to change his vote?

1 The clerk will record the vote.

2 There being 30 votes in the affirmative and
3 98 votes in the negative, the motion is lost. The amend-
4 ment fails.

5 I take it that the sponsor of the motion does
6 not at this time, as part of this motion, desire to sub-
7 mit the second part of the motion? Is that correct, Dele-
8 gate Sherbow?

9 DELEGATE SHERBOW: I go further. I wish to
10 withdraw the rest of the amendment.

11 THE CHAIRMAN: The rest of the amendment is
12 withdrawn.

13 Are there any further amendments to section 3.04,
14 dealing with numbers?

15 Delegate Weidemeyer.

16 DELEGATE WEIDEMEYER: Mr. President, Members
17 of the Convention, I have an amendment to section 3.04.

18 I would ask that you have the Clerk read the
19 amendment. The letters on this are LB-1.

20 THE CHAIRMAN: The Clerk will read the amend-
21 ment. This amendment now being distributed, please mark it

1 as Amendment No. 10, by Delegate Weidemeyer.

2 MR. QUILLEN: Amendment No. 10 to Committee
3 Recommendation No. LB-1, by Delegate Weidemeyer:

4 On page 1, line 24, of Committee Recommendation
5 No. LB-1 strike out the words "one hundred five" and insert
6 in lieu thereof the words "one hundred twenty"; and

7 On page 2, lines 1 and 2, strike out the words
8 "one-third the number of delegates" and insert in lieu
9 thereof the following:

10 "fifty-two casting one hundred seventy-three
11 votes. Each county shall be entitled to at least one
12 senator casting one vote and each senator's vote weighted
13 according to population, with no one senator casting
14 more than five votes, subject to change in number of sena-
15 tors and number of votes to be cast per senator as popu-
16 lation changes occur and as the General Assembly may
17 provide."
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1 THE CHAIRMAN: Delegate Weidemeyer, the
2 Chair calls your attention to the fact that the first
3 four lines of your amendment are incorrect. Section
4 3.04 has already been amended to substitute the numerals
5 120 in line 24. Do you desire to strike the first paragraph
6 of your amendment?

7 DELEGATE WEIDEMEYER: Mr. President, I believe
8 that concurs with the changes made this morning.

9 THE CHAIRMAN: The change has already been made.

10 DELEGATE WEIDEMEYER: Then I will retract
11 that first part and leave that 120 in, just like we had it.

12 THE CHAIRMAN: In the absence of objection,
13 typographical error will be corrected by striking all of
14 lines 1, 2, 3 and 4.

15 DELEGATE WEIDEMEYER: That is correct.

16 THE CHAIRMAN: Strike all of lines 1, 2, 3
17 and 4. Is the amendment seconded?

18 (Whereupon, the motion was seconded.)

19 THE CHAIRMAN: The Chair recognizes Delegate
20 Weidemeyer to speak to the amendment.

21 DELEGATE WEIDEMEYER: Mr. President, Members

1 of the Convention:

2 This amendment then would leave in for the
3 House of Delegates the number of 120 as decided this
4 morning. If the delegates will turn to the memorandum
5 accompanying Delegate Proposal No. 224, we will
6 not be dealing in just bare numbers and suppositions
7 as to what can happen under it, because there you will
8 find the population of each county and the population of
9 Baltimore City.

10 I might say this, that I am more in favor of
11 this way of voting in the Senate than I was in the House,
12 for two reasons: I think that it is more important
13 that every subdivision have at least one senator than
14 that each subdivision have a member in the House, because
15 the function of the Senate is vastly different from that
16 of the House. The senators have to okay appointments
17 within their counties, unless we vastly change the situation
18 -- and another thing, each senator would be running within
19 his own county, and the county boundaries would be fixed.
20 The only boundaries then that would have to be fixed under
21 the Constitution would be for the designing of the dele-
gate

1 boundaries, which would be based on full number of
2 population for whole vote.

3 I want to say this, Mr. President and Members:
4 There has been some doubt cast as to whether a plan of
5 this kind would be Constitutional. It has been my under-
6 standing that the matter has only been in two or three
7 courts. Two of the courts were out in the West, and there
8 the legislatures tried to weight voting plans without
9 changing their own State Constitution, so that when
10 their plan went to the court for approval, the court neces-
11 sarily had to find the plans as not meeting their present
12 Constitutional provisions -- not of the Federal Constitu-
13 tion, but of their own State.

14 Now, in the Lomenzo case, which Delegate
15 Henderson read from in New York, the disparity between
16 one delegate and another was 19 votes to one. In working
17 out this plan, as you will notice, the highest vote cast
18 by any senator is five votes, and every vote is weighted
19 on population.

20 With the population of three million, 3,100,689,
21 divided by 173 votes, it would equal 17,923 population per

1 vote.

2 Now, with a population of a minus 15, the
3 number would come up to 15,235, and if you take a plus 15
4 from the mean, we come up with 20,611 votes.

5 I think if you look at this you will find that
6 we could probably go quite a bit without changing the
7 number of votes cast or the number of senators in the Senate.
8 You will also notice that by this amendment, that while
9 we are establishing at this time at 173 votes with 52 sena-
10 tors, that I have based it not on projected figures, but what
11 the courts say we have to act on, and that is the 1960
12 population.

13 THE CHAIRMAN: Delegate Weidemeyer, you have
14 one minute.

15 DELEGATE WEIDEMEYER: Mr. President, I
16 would say that in fairness, so that we get statewide
17 representation, that this plan by far offers the best way
18 out to satisfy all of our people, all over the State,
19 because in the 120 they will be represented, there
20 will be new delegate districts, but we will not have
21 to redesign our county line, and each senator will be running

1 within his county.

2 I want to say this, if you will notice we have
3 12 senators from Baltimore City. It doesn't change that.
4 I think we now have seven senators from Baltimore County.
5 They remain there. We have five, I think, from Prince
6 Georges and Montgomery, and they will stay there. Each
7 one of those five senators can stay there, with four votes,
8 and as the population increases, maybe his voting power
9 will just^{go} to five votes.

10 THE CHAIRMAN: Your time is up.

11 DELEGATE WEIDEMEYER: Thank you, Mr.
12 President. I ask for favorable consideration.

13 THE CHAIRMAN: Does any delegate desire to speak
14 in opposition?

15 Delegate Gallagher.

16 DELEGATE GALLAGHER: Mr. Chairman, just
17 looking at 1980 and trying to figure out the number of
18 human beings that would be necessary under the projected
19 population, it would appear we would have to use Kent
20 County as the basic county with the lowest population of
21 18,800, so that would be your minimum one county.

1 Treating Baltimore City as a county, Delegate
2 Weidemeyer, which I assume you would want to do, Baltimore
3 City would have 50 times the population of Kent County.
4 If you took the multiple or the divider of five that Dele-
5 gate Weidemeyer uses, that would mean that those five
6 senators -- no, it would be ten senators from Baltimore
7 City each casting five votes, for a total of 50 votes,
8 compared to the one senator from Kent casting one.

9 It would look, I am informed, like 234 senators
10 in 1980. I feel this would be a trifle on the heavy side,
11 Mr. Chairman.

12 THE CHAIRMAN: Any further debate? Are you
13 ready for the question?

14 The question arises on the adoption of Amendment
15 No. 10. A vote Aye is a vote in favor of the amendment;
16 a vote No, a vote against. Cast your vote.

17 Has every delegate voted? Does any delegate
18 desire to change his vote? Has every delegate voted?
19 The Clerk will record the vote.

20 There being 15 votes in the affirmative and
21 100 in the negative, the motion is lost, and the amendment

1 fails.

2 Is there any other amendment to section 3.04
3 dealing with numbers?

4 If not, we will proceed to a consideration of
5 amendments to section 3.04 dealing with single member
6 districts.

7 The Chair recognizes Delegate Lord. Under
8 the debate schedule as amended he has a maximum of 15
9 minutes for presentation.

10 Delegate Lord.

11 DELEGATE LORD: Mr. Chairman, this is an
12 amendment H-1. I don't believe it has been distributed,
13 although a copy is on the reading clerk's desk.

14 THE CHAIRMAN: The Clerk will read the amend-
15 ment.

1 THE CHAIRMAN: Please mark in Amendment No. 11,
2 to Committee Recommendation LB-1.

3 MR. QUILLEN: Amendment No. 11 to Committee
4 Recommendation No. LB-1, by Delegates Case and Lord: On
5 Page 2 in Section 3.04 Composition of the Legislature,
6 strike out all of the last two sentences in Lines 2
7 through 6, and insert in lieu thereof the words:

8 "One senator shall represent each senatorial
9 district. At least one delegate, but not more than three
10 delegates, shall represent each delegate district."
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1 THE CHAIRMAN: Is the amendment seconded?

2 (Whereupon, the amendment was seconded.)

3 The amendment is seconded. The Chair recognizes
4 Delegate Lord to speak to his amendment.

5 DELEGATE LORD: Mr. Chairman, fellow delegates,
6 I would like to explain what this amendment would do
7 and what it would not do.

8 Under the report as submitted by the Legislative
9 Branch Committee, the language reads, "Each delegate shall
10 represent one delegate district, and each Senator shall
11 represent one Senate district.

12 "Each Senate district shall be composed of three
13 whole delegate districts."

14 This proposal would require Statewide single
15 member delegate districts in every subdivision of the
16 State.

17 The amendment is not an amendment that would
18 prohibit, or indeed necessarily limit single member dis-
19 tricts. It would simply provide other alternatives, and
20 under the amendment, one Senator shall represent each
21 senatorial district, at least one delegate, but not more

1 than three delegates shall represent each delegate dis-
2 trict.

3 I will now speak to the amendment.

4 It is the position of the proponents of this
5 amendment that it accomplishes all of the purposes and
6 meets all of the arguments of those people who would im-
7 pose Statewide single member delegate districts upon the
8 voters of this State, and yet it provides a better and
9 more flexible system.

10 First of all, it would allow single member
11 districts wherever this would most appropriately serve the
12 interests of the political subdivisions and people involved.

13 I would like to mention that presently under the
14 existing 142 member House of Delegates, there are
15 nine political subdivisions that are single member dis-
16 tricts. This experience has been valuable and fruitful, and
17 it is the last thing in the mind of the proponents of this
18 amendment to change this by any arbitrary action. In
19 fact, under the 40-120 plan just adopted by this body,
20 after the 1970 census there would be subdivisions that will
21 have less than one delegate.

1 It may well be that these areas can be most
2 appropriately served by a single member district.

3 I say this because it would be advantageous
4 if these areas have less than one delegate, that the
5 district should be as small as possible, so to afford them
6 the best chance of having a person who was a resident of
7 their county elected, it would not be to their advantage
8 to run from a large multi-member district, because that
9 could be the last opportunity they ever had to have a
10 delegate they called their own.

11 Now, I would like to mention that there are also
12 ten subdivisions, using Delegate Gallagher's figures, that
13 would have between one and three delegates. It may well
14 be that these subdivisions would be best served by single
15 member districts, but it may not be also. Under this
16 proposal they could be served by one, two, or three dele-
17 gates.

18 In the final category are five subdivisions that
19 would have, using the 1970 census figures, between 9 and
20 28 delegates, and these are in alphabetical order, Anne
21 Arundel County, 9 delegates; Baltimore County, 19 delegates;

1 Baltimore City, 28 delegates; Montgomery County, 15 dele-
2 gates; Prince Georges County, 18 delegates.

3 These are the figures that I have hastily got-
4 ten together, when we move from Delegate Gallagher's
5 105-man House of Delegates to the 120-man House of Dele-
6 gates just adopted.

7 Now I submit, particularly, in these five sub-
8 divisions of the State, it would fragment and disrupt the
9 political map of these subdivisions to impose upon them
10 single member districts. Once again, I do not remove the
11 possibility that we may go in the future, or indeed at the
12 next census count, to single member districts in all or
13 ome of these subdivisions, but this should not be done
14 arbitrarily, as would be the case under the language
15 submitted by the Committee on the Legislative Branch.

16 I use the word "political map" advisedly, be-
17 cause somehow at this Convention the cause for single
18 member district has become identified with apple pie and
19 motherhood, and anyone who seems to be against it is for
20 perpetuation of political bosses throughout the State.

21 This is not the case, and let me use an example .

1 of the existing structure. In Baltimore City there are
2 now two districts with eight delegates, three with seven,
3 one with six. This would be scrubbed out entirely under
4 this amendment if adopted. None of these districts could
5 remain intact. The most that any one district could have
6 anywhere would be three delegates. Montgomery County has
7 two districts with seven delegates. This would come to
8 an abrupt end, a maximum of three. Prince Georges has
9 one with seven and one with six. Once again, the maximum
10 of any one of these districts in Prince Georges could have
11 would be three, all five-member and all four-member dis-
12 tricts would be scrubbed out entirely.

13 Now, having suggested that we adopt a flexible
14 system that allows a determination of what best serves the
15 interest of the subdivision of the people, I would like
16 to speak to the arguments that are raised, both on the
17 Floor by Delegate Gallagher and in the Majority Report
18 of the Committee on the Legislative Branch.

19 It is argued that single member districts,
20 compulsory single member districts provide visibility,
21 a word that we have heard a great deal in the last several

1 days. In fact, quoting from the report, it says, on
2 Page 7, in the one paragraph that is allotted to this
3 discussion, single member districts create "a concentration
4 of public attention upon the individual delegate".

5 I submit that this concentration of public
6 attention could be equally focused upon three delegates
7 as upon one. The subtle factor that seems to be present
8 in all of the arguments for single member district is what
9 they really argue against is six, seven and eight member
10 districts. The argument does not apply to three member
11 districts, which would be the maximum under this amend-
12 ment.

13 Now, another argument is, and I quote, "single
14 member districts would eliminate large and amorphous
15 multi-member districts."

16 Once again, I submit that under a maximum of
17 three delegates, you would not have large and amorphous
18 multi-member districts. You would have compact,
19 contiguous districts of a workable size.

20 The argument is made that the long ballot would
21 be eliminated. This goes hand and hand with the visibility

1 argument. Once again, I submit, that a ballot with
2 three slots on it is very workable and cannot be con-
3 sidered a long ballot. It is one that the average voter
4 can deal with very readily, and this leads to the respon-
5 sibility argument, which is also made by the majority,
6 that if you have a single member district, that the
7 representative/^{from}that district would be more responsive
8 to the people. Once again, if the voter can identify on
9 the ballot three people, he certainly, after he leaves the
10 ballot box, or the ballot booth, will be able to single
11 out that delegate and make his views known to that delegate
12 after election.

13 Now, in answer to questions from the floor on
14 Tuesday, Delegate Gallagher said that it is not the posi-
15 tion of his Committee to deal with the subject of re-
16 districting, and that this would be done by a blue
17 ribbon bipartisan commission.

18 I submit that by imposing single member dis-
19 tricts upon the State and in the Constitution that this
20 question has been largely pre-determined and pre-judged
21 because the tools of flexibility have been taken away from

1 this Commission. Really, all that is left is a job for
2 the sociologists and the demographers, to figure out how to
3 divide up neighborhoods; and believe me, when you divide
4 a subdivision into 17 parts or 28 parts, that is exactly
5 what you are doing.

6 Delegate Gallagher says euphemistically that
7 this will be done along natural traditional boundaries.
8 Once again, I would defy any group of people, no matter
9 how expert to divide a district up into 28 or 17 parts
10 along natural and traditional boundaries.

11 The job has been done already, if we adopt
12 that Majority Report of the Legislative Branch Committee
13 on this point.

14 There is an additional problem. Once the
15 agony of drawing these lines has taken place, it will have
16 to continue to take place at every census. What sort of
17 political stability does it create, if one time you may
18 be in one district and when the lines are redrawn, you
19 find yourself in another. It is hardly an answer to
20 say you need be a resident in the district you want to
21 run from because as a practical matter, you will not be

1 elected if you are not a resident of that district.

2 Perhaps the strongest argument against compul-
3 sory separation of districts is the argument that is
4 called the parochialism argument, and I am sure you have
5 all heard this: That is that the representative will only
6 be responsive to a single narrow interest group and will
7 be afraid to speak his mind on many issues, and that any
8 understanding of regional or community problems will
9 be gone in this multitude of single member districts,
10 and on this subject, I don't want to speak much longer,
11 but I think the best statement is from a report prepared
12 by the American Assembly, which wrote a report on
13 State legislatures and American politics, and this is
14 the most definitive study I have been able to find.
15 There, in the section I will call the political section,
16 is the following statement: A multitude of single member
17 districts has other disadvantages. The district may become
18 grossly unequal in the ten years following a census.
19 Frequent redistricting may be chaotic and vulnerable to
20 gerrymandering, legislatures may represent only narrow
21 interests, and there may be no one capable of viewing the

1 counties' problems as a whole.

2 Then it goes on: Another practice that has
3 been used is the establishment of a number of small dis-
4 tricts electing three, four or five members in a county.
5 If it were possible to divide a county into natural
6 boundaries of some kind, these could remain unchanged
7 and not subject to gerrymandering while the number of mem-
8 bers in each district vary with population changes.
9 Even if this were not feasible, the use of several multi-
10 member districts would minimize the problem of drawing and
11 redrawing boundaries. It might insure that major
12 political interests in the county would be represented without
13 making each legislator a spokesman for a single narrow
14 interest, and it might establish a reasonable maximum
15 limit to both the length of the ballot and the cost of
16 legislative campaigns.

17 After examining all of the alternatives, and I
18 hasten to point this out, the conclusion is that there
19 is no single good answer that has been proven on this
20 subject. The conclusion is the problem of legislative
21 representation within the metropolis will become increasingly

1 important. Although it is too early to suggest a definite
2 formula, it is time to suggest the need for research and
3 the desirability of experimenting with various formulas.

4 It is on this point that I would like to close:
5 Do not foreclose the possibility of experimentation in
6 this area. Ask yourself the question, Are you so sure
7 that the single member districts are so clearly appropriate,
8 or aren't all political subdivisions, that we should
9 at this time in this Convention solemnize it in this
10 Constitution? Do you want to allow this test tube solution
11 to ride roughshod over the established political boundaries
12 of this State.

13 THE CHAIRMAN: Does any delegate desire to
14 speak in opposition? Delegate Gallagher.

15 DELEGATE GALLAGHER: I notice that Delegate
16 Bard has a question, Mr. Chairman.

17 THE CHAIRMAN: Delegate Bard.

18 DELEGATE BARD: Mr. Chairman, I would like to
19 ask Delegate Lord --

20 THE CHAIRMAN: Delegate Lord's time has expired.
21 I will permit you to ask a question when he is permitted



1 to speak again. Delegate Gallagher.

2 DELEGATE GALLAGHER: Mr. Chairman, ladies and
3 gentlemen of the Committee, I must say at the outset that
4 I think that Delegate Bard's proposal contains many of the
5 features which the Committee on the Legislative Branch
6 is trying to obtain by its proposal.

7 As a matter of fact, in all candor, I have an
8 amendment prepared which is identical to his in the event
9 that we lose, and so he saved me that trouble.

10 I think the important thing to recognize
11 about this proposal is that it destroys the basis upon
12 which we approach the bicameral General Assembly, and that
13 was this: That we wanted the Senator to have three times
14 the geographical spread, so to speak, at least three
15 times the population spread of the single delegate. What
16 we have here is, of course, presumably, three delegates
17 representing the identical area which the Senator repre-
18 sents. Consequently, there really won't be in those
19 areas where there are three delegates to the one Senator,
20 and presumably with 40 and 120 that we voted upon, 3 to 1
21 ratio, we will have that in many instances, that we won't

1 have a real difference in perspective between the member of
2 House and the member of the Senate, and this does, it
3 seems to me, destroy one of the arguments and one of the
4 very sound justifications for the bicameral General Assem-
5 bly, where we had posited that the perspectives
6 would be different; so I believe that it does injury and
7 violence to the kind of bicameral legislature that we
8 were trying to establish. It may well be that there may
9 be people in this assembly who voted for bicameralism
10 on the basis that there would be a different point of
11 view from the Senator as compared to that from the
12 delegate. I think that by and large the effect of this
13 would be to destroy this.

14 I have got to commend the proposal, however,
15 in the sense tht it does retain the single member
16 approach for the Senate, and certainly it goes a long way
17 to eliminate the evil that we were after in trying to
18 eliminate those delicate situations, both delegate and
19 delicate, where seven or eight people were running from a
20 House of Delegates area, and you ran into this question
21 of low visibility, so I must commend the amendment because

1 it does go a long way toward constituent identification
2 of who represents a given area.

3 We believe, of course, in the Committee on
4 the Legislative Branch, and I recollect the vote was 15 to
5 5, that it would be a far better thing if each voter in
6 the State of Maryland had but a single Senator and a single
7 delegate so that there would be no question but that he
8 would certainly have an easy opportunity to know who
9 these people are. Now, Delegate Lord and Delegate Case's
10 proposal has preserved the single Senator concept, but
11 it has instead injected the possibility or the probability,
12 as the case may be, of up to three delegates, and just
13 does eliminate the evil that we have discussed earlier.
14 So in speaking against it, I would say that it has many
15 of the merits and certainly goes to eliminate many of the
16 evils which the Committee sought to eliminate, but it
17 really does do a basic injustice to our whole concept
18 or scheme of a bicameral assembly.

19 I feel that a single member district for both
20 House and Senate would be a very advantageous thing. I
21 don't think it is really experimentation to go to what the



1 Committee proposed. There are other States of the Union,
2 including New York, under the Constitution, where they
3 did have single member districts both in the House and
4 Senate.

5 THE CHAIRMAN: Delegate Gallagher, you have one-
6 half minute.

7 DELEGATE GALLAGHER: I will give you, if I
8 may, just from recollection, the breakdown throughout
9 the Union: 39 bodies in 26 States are based exclusively on
10 single member districts; 5 bodies in 5 States are based
11 exclusively on multi-member districts, and 55 bodies in
12 35 States are based on a combination of single and multi-
13 member districts; so the suggestion that we go to a com-
14 bination of single member districts if the Senate, multi-
15 member districts in the House, is not unusual, but
16 I don't think it has the virtues of single member districts,
17 both in House and Senate.

18 Thank you, sir.

19 THE CHAIRMAN: Delegate Bard, I will recognize
20 you to ask a question of Delegate Lord if he will yield
21 for a question.

1 DELEGATE BARD: Delegate Lord, will you yield
2 for a question?

3 DELEGATE LORD: Certainly.

4 DELEGATE BARD: Mr. Lord, would your proposal
5 permit the slot method where multiple member districts
6 of three, if they were to exist?

7 DELEGATE LORD: It probably will permit it if
8 adopted by the legislature. I don't think that I^{can}/say
9 that I am in favor of the slot method, but I don't think
10 it enters the discussion here at all. This would certainly
11 permit it.

12 THE CHAIRMAN: Any delegate desire to speak
13 further in favor of the amendment?

14 DELEGATE BUSHONG: I would like to ask a ques-
15 tion.

16 THE CHAIRMAN: Do you yield?

17 DELEGATE LORD: Yes, sir.

18 DELEGATE BUSHONG: Delegate Lord, why do you
19 want to do this? Why shouldn't people if they want to
20 have a member from each delegate district?

21 DELEGATE LORD: People if they want to? Are

1 you saying that by adopting this Constitution the people
2 will have clearly indicated that they want single member
3 districts?

4 DELEGATE BUSHONG: I am not saying that because
5 there is nothing in our report that requires residence
6 in that district. But why do you want to sew it up?

7 DELEGATE LORD: Without repeating many of my
8 arguments, I do not see why the Commission, that Delegate
9 Gallagher speaks of, should have the right to determine this
10 question cut off. It should have the right to determine
11 what is in the best interests of each subdivision. In
12 some cases, this may be single member districts, sometimes
13 it may be two member districts, and sometimes three.

14 DELEGATE BUSHONG: Why put it in the Consti-
15 tution?

16 THE CHAIRMAN: Would you repeat your question,
17 please?

18 DELEGATE BUSHONG: Why put it in the Consti-
19 tution when you don't have any residence requirement now
20 for single member district? Why put this in the Consti-
21 tution?

1 DELEGATE LORD: I am offering the amendment,
2 Delegate Bushong, in a counter to the proposal that
3 was put in by the Majority Report of the Committee on the
4 Legislative Branch. This could be left out, I suppose,
5 of the Constitution entirely and handled by statute.
6 I think this would wreak havoc. I think this proposal is
7 much better than the absolute across the board requirement
8 of single member districts.

9 DELEGATE BUSHONG: Why? I ask you the question,
10 why?

11 THE CHAIRMAN: Delegate Lord.

12 DELEGATE LORD: Because in my opinion, in many
13 subdivisions, it is not in the best interests of those
14 subdivisions to have single member districts. You, I
15 understand, are not from one of the larger metropolitan
16 areas, and you may not be aware of this problem, but it
17 would create a significant problem in those, particularly
18 in those five metropolitan areas that I mentioned.

19

20

21

1 DELEGATE BUSHONG: If the people want to elect
2 somebody in the district they should be allowed to,
3 shouldn't they?

4 DELEGATE LORD: Certainly.

5 THE CHAIRMAN: Delegate Bushong.

6 DELEGATE BUSHONG: Therefore, one-man, one-vote
7 does not mean much to you?

8 DELEGATE LORD: Delegate Bushong, it certainly
9 means a great deal to me. People will have an opportunity
10 to vote for the same people this way as they would the other
11 way.

12 THE CHAIRMAN: Delegate Bushong.

13 DELEGATE BUSHONG: Aren't you setting it up for
14 three delegates to come from one district along with a
15 senator?

16 THE CHAIRMAN: Delegate Lord?

17 DELEGATE LORD: That certainly would be one of
18 the possibilities.

19 THE CHAIRMAN: Is there any person desirous of speak-
20 ing in opposition to the amendment?

21 Delegate Rybczynski?



1 DELEGATE RYBCZYNSKI: I would like to ask Delegate
2 Lord or Delegate Case a question, or a series of questions
3 if I may for clarification.

4 I Still do not understand the intent or
5 the final result, if we were to adopt this.

6 THE CHAIRMAN: Delegate Lord, would you yield for
7 a series of questions from Delegate Rybczynski?

8 DELEGATE LORD: Yes.

9 THE CHAIRMAN: Delegate Rybczynski?

10 DELEGATE RYBCZYNSKI: Delegate Lord, under the
11 suggestion, under the amendment as you have proposed it,
12 who would determine whether there would be one, two, or
13 three delegates to a senatorial district?

14 DELEGATE LORD: Mr. Rybczynski, this has not
15 been vouchsafed to us as yet.

16 Delegate Gallagher, in his primary presentation,
17 indicated that they were now favoring but had not taken
18 a final vote on a bipartisan commission of legislators
19 and political experts that would submit a plan to
20 the General Assembly.

21 This plan would become law, unless changed by law

1 by the General Assembly.

2 THE CHAIRMAN: Delegate Rybczynski, Delegate Lord
3 has only 30 seconds left. If you will make your question
4 short, please.

5 DELEGATE RYBCZYNSKI: Do you feel, then, it is a
6 proper matter for the General Assembly to decide whether
7 now or eventually?

8 THE CHAIRMAN: Delegate Lord.

9 DELEGATE LORD: The answer is yes.

10 THE CHAIRMAN: Delegate Rybczynski.

11 DELEGATE RYBCZYNSKI: Mr. President, if I may,
12 I would like to offer an amendment to Mr. Lord's amendment,
13 which would then accomplish what he just agreed to.

14 THE CHAIRMAN: Will you please send it forward
15 to the desk?

16 DELEGATE RYBCZYNSKI: It is prepared and in
17 the hands of the various folks over there.

18 THE CHAIRMAN: Delegate Rybczynski, this amendment
19 that has been handed to me is not in the form of
20 an amendment to Amendment No. 11. Is this the one that
21 you desire to offer at this time?



1 DELEGATE RYBCZYNSKI: Yes, sir.

2 If I may ask by way of inquiry how we may
3 correct this to comply with the rule, I will be glad
4 to go along with whatever is necessary, but I do not see
5 any point in voting on the same subject twice if it
6 is not necessary.

7 THE CHAIRMAN: I take it you are intending your
8 amendment as a substitute for the amendment offered by
9 Delegates Case and Lord, Amendment 11?

10 DELEGATE RYBCZYNSKI: That is correct, sir.

11 THE CHAIRMAN: In the absence of objection,
12 the Chair will disregard the form and treat this as an
13 amendment offered as a substitute for Amendment No. 11.
14 Please mark your copy for identification, Amendment No. 1
15 to Amendment 11, although it will be treated as a substitute.
16 The Clerk will read the amendment.

17 Delegate Rybczynski --

18 DELEGATE RYBCZYNSKI: It has not been distributed.

19 THE CHAIRMAN: It is now being distributed.

20 MR. QUILLEN: Amendment No. 1 to Amendment
21 11 to Committee Recommendation LB-1, by Delegate Rybczynski:



1 On page 2 of Section 3.04, Titled Cmposition
2 of the Legislature, strike out all of lines 2 through
3 6 and insert in lieu thereof the following:
4 "delegates. The General Assembly shall divide the
5 State into legislative districts for the election of
6 senators and delegates. A legislative district shall consist
7 of (a) one senate district and three whole delegate
8 districts, or (b) one senate district and one delegate dis-
9 trict represented by three delegates, in accordance with
10 the law."



1 THE CHAIRMAN: The Chair recognizes Delegate
2 Rybczynski to speak in favor of the amendment.

3 DELEGATE RYBCZYNSKI: Mr. President, Mr. Chairman,
4 ladies and gentlemen of the committee, most of what I
5 wanted to say on behalf of this amendment has already been
6 said by Delegate Lord, and I subscribe to practically
7 everything that he has said.

8 By way of just a little bit of further explana-
9 tion, let us consider any one single voter in the State
10 of Maryland, such as myself.

11 I live in a U. S. Senate district, which is the
12 entire state. I live in the Third Congressional District,
13 First Councilmanic District, and under the proposal of
14 the committee, I could live in the 16th State Senate
15 District and the 23rd State Delegate District.

16 This all seems to me to be absolutely too complicated.

17 I think that the thing can work very well with
18 all of us living in a state senate district, thereby making
19 voting a little less complicated than proposed by the
20 committee.

21 There is in addition to this the problem

1 in single member districts, and incidentally, this
2 provides for where a county would want single-member
3 district. What I am saying now is that those areas that
4 want a single-member district, great, you can have it.
5 Fine. However, the areas that want multi-member districts
6 would have the privilege of doing this.

7 I am in favor of multi-member districts for
8 the reason that voting should not be overly complicated.

9 Where areas have a lot more finesse than my area
10 and voters can keep up with changes, great. This is fine.
11 However, where a person living on Patterson Park Avenue,
12 where I live, suddenly finds himself in a new senatorial
13 district, and a new delegate district every ten years,
14 it gets to be just a little ridiculous.

15 Now, it is hard enough to get to know the
16 elected officials of your area. It may take you ten years
17 to get to know them. If by the time you get to know them
18 they are then switched to another district and you are
19 switched to another district, what have we really accomplished
20 in this convention except to make voting tougher?

21 Let's not make it tougher. Our committee



1 has spent eight weeks over there trying to make things
2 easier for the voter. Let 's not make it any harder.

3 I strongly urge everyone here, if you favor the
4 business of letting the area choose its own method of district-
5 ing, that is either single or multi-member, kindly vote
6 for my amendment.

7 THE CHAIRMAN: Is there any delegate desires
8 to speak in opposition to the amendment to the amendment?

9 Delegate Chabot?

10 DELEGATE CHABOT: I would like to ask some
11 questions of Delegate Rybczynski, if he will yield to me
12 for this purpose.

13 THE CHAIRMAN: Delegate Rybczynski, do you
14 yield for a question?

15 DELEGATE RYBCZYNSKI: I will yield and I will
16 only try.

17 DELEGATE CHABOT: Thank you.

18 I am a bit confused as to the comparison
19 between your comments and what I see on the paper before
20 me.

21 The amendments, as the General Assembly shall



1 provide, et cetera, and yet you indicated that each
2 county or unit of government would be able to divide
3 the state as it wished within its boundaries.

4 Would you explain this apparent difference?

5 DELEGATE RYBC ZNSKI: This is based on an assumption
6 that the General Assembly, acting as a unit, will go along
7 with each area as to how it wants to vote.

8 THE CHAIRMAN: Delegate Chabot?

9 DELEGATE CHABOT: A further question:

10 Is it clear in your mind that the General
11 Assembly can make the decisions district by district and
12 is not compelled to choose either Method A or Method B for
13 the entire state at any one time.

14 THE CHAIRMAN: Delegate Rybczynski?

15 DELEGATE RYBCZYNSKI: I guess it could. The
16 General Assembly could, but I do not believe that it
17 will.

18 I cannot imagine that it would happen.

19 THE CHAIRMAN: Delegate Chabot?

20 DELEGATE CHABOT: A further question: You had
21 indicated that under the committee's proposal and Delegate



1 Lord's proposal it was possible for a person to find
2 himself every ten years in a different senatorial
3 district, and that that was a bad thing.

4 Would your proposal change that situation?

5 THE CHAIRMAN: Delegate Rybczynski, you have
6 just a little less than half a minute.

7 DELEGATE RYBCZYNSKI: No. I stand corrected
8 if I said that. I did not mean that as it can happen, but
9 I say it is further complicated by putting the voter in
10 the same position as the delegate district. It is
11 absolutely too complicated.

12 THE CHAIRMAN: Any delegate desire to speak
13 in opposition?

14 Delegate James?

15 DELEGATE JAMES: Mr. Chairman, I would like
16 to submit a question to Delegate Rybczynski.

17 THE CHAIRMAN: His time has expired. Let
18 me get somebody in opposition and come back to him.

19 Any delegate desire to speak in opposition?

20 Delegate Sollins?

21 DELEGATE SOLLINS: Mr. Chairman, members of the

1 committee, I speak in opposition both to Delegate
2 Rybczynski's amendment to the amendment and Delegate
3 Lord's amendment.

4 Single-member districts are the single most import-
5 ant reform that we can bring out of the Legislative Branch
6 recommendation.

7 It will achieve several things. It will really
8 make legislators visible, accountable and responsible to
9 their constituents. It will enhance not only the two-party
10 system, which we all treasure, whether we be Republicans
11 or Democrats, it will also enhance the representation
12 of minority groups, not only racial, but rural groups through-
13 out the state.

14 Many people in the city, and certain large
15 counties, are very much opposed to single-member districts.
16 They suggest that it will engender more parochialism
17 and that it will create many small political kingdoms.

18 I suggest that you look behind their statements
19 and ask yourselves if they are really not concerned about
20 the preservation of their political machines in these areas.

21 This is what they are concerned about, not

1 parochialism, not small political kingdoms,

2 Single-member districts, in my opinion, will
3 be like a breath of fresh air throughout the state.

4 Thank you.

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1 THE CHAIRMAN: Delegate Rybczynski, will you
2 yield for a question from Delegate James?

3 DELEGATE RYBCZYNSKI: Yes, sir.

4 THE CHAIRMAN: Delegate James.

5 DELEGATE JAMES: Wouldn't this run counter
6 to the concept that the initial reapportionment plan, or
7 redistricting plan, after each census would have to be
8 designed by either a commission or by the Governor?

9 Now, if this were in the Constitution, the
10 recommendation of the Commission that the Governor or the
11 bipartisan commission lay out the districts, it would be
12 in complete conflict with this, would it not?

13 DELEGATE RYBCZYNSKI: Your question might
14 possibly be premature on this floor. I would agree with
15 you that if there will be a separate commission to redraw
16 lines that, well, of course what will the Commission do
17 with its work? The Commission will then have to turn it
18 over to the General Assembly for approval, so eventually
19 it will get back to the body anyway.

20 THE CHAIRMAN: Delegate James.

21 DELEGATE JAMES: But isn't it the concept that

1 if the General Assembly does not act that the plan recom-
2 mended by either the Governor or by the bipartisan Commis-
3 sion would become law, and if this were adopted, would it not
4 be in conflict with that plan for handling redistricting
5 in an orderly manner?

6 THE CHAIRMAN: Delegate Rybczynski.

7 DELEGATE RYBCZYNSKI: I would have to answer I
8 don't know. My guess is that the two could work together
9 very well.

10 THE CHAIRMAN: Delegate Gallagher.

11 DELEGATE GALLAGHER: Mr. Chairman, although
12 I have stated my opposition to Mr. Lord's amendment,
13 I must say that if it should pass, I would like to see
14 the intent of Mr. Rybczynski's amendment to the
15 amendment carried out, and I think a way to take care of that
16 problem that Senator James has just suggested
17 would be to strike out on line six "The General Assembly
18 shall," and on line 7, "divide the State"; and insert
19 in lieu thereof: "The State shall be divided," and then
20 it would read, "The State shall be divided into legis-
21 lative districts for the election of senators and delegates,"



1 et cetera.

2 In thisway, regardless of what this Committee
3 of the Whole should do with our redistricting and reapportionment
4 proposal, theintent, I think, of Mr. Rybczynski's
5 amendment to the amendment would be carried out.

6 I would suggest also if that were done that on
7 line 13, the comma after delegates could be changed to
8 a period, and one could strike out "in accordance with
9 the", line 13, and the word "law.", on line 14.

10 If I may briefly state, the proposal which we
11 expect to bring into the full committee is that there be
12 a bipartisan commission created which shall have the
13 initial responsibility of submitting a redistricting plan
14 to the General Assembly. The General Aseembly may act
15 upon it or not act upon it, come up with its own plan, if
16 you will, but if it does nothing or is unable to agree,
17 then the bipartisan commission plan would become the
18 law; so it might certainly be more preferable not
19 to use on line 6 "The General Assembly," inasmuch as it
20 will be really the product of a commission, if that be the
21 will of this Committee of the Whole.

1 Therefore, I do believe my suggestion might get
2 over that difficulty, regardless of how we ultimately
3 handle the matter.

4 THE CHAIRMAN: Would Delegate Rybczynski
5 accept the suggested modification?

6 DELEGATE RYBCZYNSKI: It is accepted.

7 THE CHAIRMAN: Do the seconders accept?

8 (Whereupon, the modification was accepted.)

9 THE CHAIRMAN: The amendment is modified by
10 striking out the words "The General Assembly shall," in
11 line 6, and the word "divide" in line seven. Change
12 the lower case "t" for "The", to a capital, in line seven,
13 start a new sentence. Insert after the word "State" the
14 words "shall be divided," and strike out the comma and the
15 words "in accordance with" on line 13, and the word "law"
16 on line 14.

17 As modified, the amendment is before you.
18 Does any delegate desire to speak in opposition?

19 Delegate Bushong.

20 DELEGATE BUSHONG: Mr. Chairman, may I ask
21 my chairman and the rest of these proponents, why have

1 any House districts at all?

2 THE CHAIRMAN: To whom is your question
3 addressed?

4 DELEGATE BUSHONG: My chairman.

5 THE CHAIRMAN: Delegate Gallagher.

6 DELEGATE GALLAGHER: Mr. Chairman, in answer
7 to our loyal, hardworking member of the committee, I
8 haven't left the ship yet. I am still for the proposal
9 as it is in here, because I do believe, as I said before,
10 that it is much better that each voter have one state
11 senator and one house member representing him, and therefore
12 I oppose the amendment of Delegates Lord and Case; but
13 should it be adopted, I applaud and recommend Mr. Rybczyn-
14 ski's amendment to the amendment.

15 But I am still with us at the moment.

16 THE CHAIRMAN: Does any delegate desire to speak
17 in favor of the amendment?

18 Delegate Gilchrist.

19 DELEGATE GILCHRIST: A question for clarifi-
20 cation from Delegate Rybczynski.

21 THE CHAIRMAN: Delegate Rybczynski, do you

1 yield for a question?

2 DELEGATE RYBCZYNSKI: Yes.

3 THE CHAIRMAN: Delegate Gilchrist.

4 DELEGATE GILCHRIST: In line 10 of the proposal
5 you have one senate district and three whole delegate
6 districts. Do you not mean "composed of" instead of "and"?

7 DELEGATE RYBCZYNSKI: I don't think it will
8 make any difference. If you will go back to nine and read
9 the entire sentence and phrase, "A legislative district
10 shall consist of one senate district and three delegate
11 districts," I think it is a complete thought.

12 THE CHAIRMAN: Delegate Gilchrist?

13 Does any other delegate desire to speak
14 against the amendment?

15 Delegate Singer.

16 DELEGATE SINGER: I have a question for Dele-
17 gate Rybczynski.

18 THE CHAIRMAN: I asked for anyone desiring
19 to speak in opposition.

20 Delegate Sickles.

21 DELEGATE SICKLES: Mr. Chairman, I normally

1 would not presume to give any political advice to many of
2 the members of this House, but since I am one of the few
3 here who candidly and clearly admits that he is a politi-
4 cian, although I ran on a bipartisan basis, I realize
5 that we are quite antiseptic. I think there are some
6 political implications of this amendment to the amendment,
7 as well as the amendment.

8 I am in a rather interesting position because
9 through a series of accidents I have a degree of
10 influence in the political arena in my own county, and
11 we survive, of course, as do all political organizations,
12 by virtue of the multiple offices and the fact that
13 there is a ticket every time there is an election.

14 My history, rather short, was that when I first
15 became involved in politics I was informed that unless
16 you were "on the old man's ticket" you didn't get elected;
17 so the first time I ran, I ran on the old man's ticket
18 and got elected.

19 Then a few years later, when we had sort of our
20 parting of the ways -- although personally we never had
21 any problems -- I used the wisdom that has been granted me

1 and I put together a ticket, so that we would have a
2 chance.

3 The history of our county -- and I think in
4 many other jurisdictions in the State -- is that if you are
5 not on a ticket, you don't have much of a chance.

6 Now, we have a three delegate district in Prince
7 Georges County, and during the last election one of the
8 gentlemen who ran, not on the ticket, was an incumbent,
9 and the ticket that ran as a ticket won all three posi-
10 tions.

11 We had another Statewide office holder who was
12 quite, or countywide office holder, who was quite
13 popular, but for good and sufficient reason we decided that
14 we didn't want him on our ticket, and he did not win.

15 And the only people who won in Prince Georges
16 County were those who were on tickets, whether they were
17 on my ticket or the opposing ticket.

18 It seems to me that if we really want to give
19 the opportunity to a citizen who may not be particularly
20 politically oriented but may have something to contribute
21 to his state, we want to give him the opportunity to run

1 for office with a realistic opportunity to win, and
2 we shouldn't send him to whoever is masterminding the
3 ticket for that area, whether it be for six, seven, eight
4 or even three; and I would suggest to you that whether a
5 political organization is good or bad, whether they are
6 machines or benevolent organizations, as we have in Prince
7 Georges County -- but whatever they are, whatever their
8 motive is, as long as we create the situation of multiple
9 districts for the same office, then we give stature
10 to those who work behind the scenes, those who contribute
11 the funds for the campaign, and we actually insulate the
12 people from their elected officials.

13 I have other reasons why I would support the
14 single member district, but I thought that since I am
15 one of the few politicians who admit it around here
16 that I ought to give you a lesson in politics.

17 THE CHAIRMAN: Does any delegate desire to
18 speak in favor of the amendment?

19 Delegate Singer.

20 DELEGATE SINGER: I have a question of Delegate
21 Rybczynski.

1 THE CHAIRMAN: Does Delegate Rybczynski
2 yield for a question?

3 DELEGATE RYBCZYNSKI: Yes, sir.

4 THE CHAIRMAN: Delegate Singer.

5 DELEGATE SINGER: What is your specific inten-
6 tion: to limit a senate district, or rather to avoid the
7 flexibility which the Case-Lord amendment has, that the
8 delegate district may have one, two, or three? As I
9 read your amendment it would restrict that operation or
10 flexibility.

11 DELEGATE RYBCZYNSKI: That is right. One or
12 three, since we have established the one-to-three ratio
13 in the Senate and the House. That is true.

14 THE CHAIRMAN: Does any Delegate desire to speak
15 in opposition?

16 Delegate Clark.

17 DELEGATE CLARK: Mr. Chairman, ladies and
18 gentlemen of the committee:

19 The very object of our struggle here during
20 most of this week has been to create a situation under
21 which the people of this State can be favorably

1 represented in their General Assembly, and I think
2 that no step that we could possibly take would make
3 this more of a reality than to support the committee in
4 their proposal that we have single member districts, both
5 for the House and for the Senate. Multi-member districts
6 have many, many faults. We have heard the word visibility
7 used here, and it is a good word, and when you have three
8 people running from a district, say of 100,000 people,
9 you lose a lot of visibility; but if you have three people
10 each running from a district of 33,000, you have a great
11 deal of visibility, and this is good.

12 Another thing very much in favor of the smaller
13 districts, under the 120-40 setup which we now have adopted
14 the House districts would be about 33,000 and the Senate
15 district would be roughly 100,000.

16 I can see that if we have three delegates running
17 all together in a senatorial district of 100,000 people; but
18 say you have a medium sized county, my county, which would
19 be allotted two and two-tenths delegates. Then we would
20 have to go over into Montgomery or Carroll County, or
21 Prince Georges, either one, to get the other 20-some-thousand

1 people that we would need to create the senatorial district
2 and the multi-member house district. Then the person who
3 might attempt to run from one of the other counties would have
4 virtually an impossible job of being elected in a district
5 in which he had such a small area, and yet this is the only
6 way that those people could be represented in such a
7 district.

8 I think for these reasons it is imperative that
9 we stick with the single member districts. The whole idea
10 of three-to-one ratio, the 40-120 that we have now settled
11 on, was that you could create one set of districts for the
12 House, put three of these together, make a senatorial dis-
13 trict. You have people from the senate having the larger
14 overall view, and you have the people from the individual
15 house districts of about 33,000 having the smaller view.
16 This is good.

17 If we adopt either of these amendments we are
18 upsetting the whole apple cart, and to me this
19 would be one of the great tragedies of this Convention.

20 THE CHAIRMAN: Any delegate desire to speak
21 in favor of the amendment?

1 Delegate Bothe.

2 DELEGATE BOTHE: Mr. Chairman, I rise in
3 support of the amendment, not particularly in favor of
4 the amendment to the amendment.

5 THE CHAIRMAN: The question now arises on the
6 amendment to the amendment.

7 DELEGATE BOTHE: I understand that, sir.
8 I rise in support of the whole concept of allowing
9 flexibility up to the number of three in the selection,
10 in the number of delegates to run from the district. The
11 arguments in favor of the single member district are very
12 neat and persuasive. However, I think the problem in
13 Baltimore City which would be created, when we have
14 28 neighborhoods, 28 representatives each coming from one
15 little corner of the City, would be appalling.

16 In Baltimore City today with our six districts,
17 ranging from six to eight delegates -- and I think that
18 is many too many -- we have a situation where people must
19 represent not their own kind, not their own neighbor,
20 but everybody.

21 I know that the representatives from my

MEMORANDUM

TO : THE PRESIDENT

FROM : THE SECRETARY OF DEFENSE

SUBJECT: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

7. [Illegible]

8. [Illegible]

9. [Illegible]

10. [Illegible]

11. [Illegible]

12. [Illegible]

13. [Illegible]

14. [Illegible]

15. [Illegible]

16. [Illegible]

17. [Illegible]

18. [Illegible]

19. [Illegible]

20. [Illegible]

21. [Illegible]

22. [Illegible]

1 district could not vote in favor of minorities. I have
2 heard Delegate Sollins state that he feels a minority
3 would have a better chance in a single member district.
4 Quite to the contrary. I feel that we would have a group
5 of special interests, each competing with each other from
6 the City of Baltimore, and perhaps also from larger coun-
7 ties; that it is a healthier and more democratic thing to
8 have people not only represent their own kind, but all
9 kinds, and that single member districts for Baltimore
10 City would forever foreclose that possibility; and for
11 that reason I heartily endorse the Lord-Case amendment,
12 which I think leaves open to the counties the
13 ability to have single member districts but does not pre-
14 vent Baltimore City and the larger counties from being
15 represented by a wide cross section.

16 THE CHAIRMAN: Does any delegate desire to
17 speak against the amendment to the amendment?

18 Delegate Dulany.

19 DELEGATE DULANY: Mr. Chairman, since parochial-
20 ism has been mentioned here today, I would like to be
21 parochial for a minute on the substitution or the motion

1 to substitute the amendment of Mr. Rybczynski for
2 the amendment of Mr. Lord.

3 Actually, in our county,, in Carroll County,
4 we would be entitled to two delegates and under Mr. Rybczyn-
5 ski's motion we would either have to form a legislative
6 district with part of another county and have a district
7 with three delegates at large, or divide the county into
8 two legislative districts. I cannot support his substi-
9 tute motion. I can support the motion of Mr. Lord.

10 THE CHAIRMAN: Does any delegate desire to
11 speak in favor of the amendment to the amendment? (No
12 response.)

13 In favor of?

14 DELEGATE GALLAGHER: Yes.

15 THE CHAIRMAN: Delegate Gallagher.

16 DELEGATE GALLAGHER: Mr. Chairman, just in
17 order to eliminate whatever confusion I have spawned
18 here I would like to state my position, which I ask the
19 Committee on the Legislative Branch to consider, and that
20 is, I plan to vote for Mr. Rybczynski's amendment to the
21 amendment. I plan to vote against Delegate Lord and Case's

1 amendment, because I feel that the Committee Recommendation
2 is the better of the two.

3 The reason I am voting for Mr. Rybczynski's
4 amendment to the amendment is that if Mr. Case and Mr. Lord's
5 amendment should pass, and if it does so, it will do so over
6 our opposition, but I would prefer to see it in the form
7 in which Mr. Rybczynski would have it as a result of his
8 amendment.

9 And in answer to Mr. Dulany, I would point
10 out that I think you have no choice but to team up with
11 another county under the three-to-one ratio. I think you
12 must. Consequently, I don't believe that you have got a
13 choice in the matter.

14 THE CHAIRMAN: Delegate Gallagher, the Chair
15 is uncertain, and perhaps the other delegates are, as
16 to your answer. If Delegate Rybczynski's amendment to
17 the amendment fails, there will be before the committee
18 the amendment of Delegate Case and Delegate Lord. If
19 Delegate Rybczynski's amendment is adopted, then we have
20 before us the amendment of Delegate Case and Lord as thus
21 amended, the substitute; so that you would in effect be



1 voting twice. You would then be voting on the
2 question of Delegate Rybczynski's plan versus the Committee
3 Report.

4 DELEGATE GALLAGHER: I wish to make it clear
5 that I am voting against Delegate Case and Lord's proposals.
6 I am voting in favor of, alternately, when we finally
7 do it, the committee recommendation that there be but one
8 delegate and one senator per district.

9 THE CHAIRMAN: Any other delegate desire to
10 speak in opposition to the amendment to the amendment?

11 Delegate Bamberger.

12 DELEGATE BAMBERGER: A point of parliamentary
13 inquiry: As I understand the last comment of the Chair,
14 and as I understand the intention to vote as expressed by
15 the Chairman of the Committee of the Legislative Branch,
16 if the amendment proposed by Delegate Rybczynski is
17 adopted by this Committee of the Whole, we will then have
18 another vote on those same words. We will never vote on
19 the words which are contained in the amendment proposed
20 by Delegates Case and Lord.

21 Is that correct?



1 THE CHAIRMAN: That is correct, sir.

2 In other words, if Delegate Rybczynski's amend-
3 ment is passed, it is substituted for the amendment of
4 Delegates Case and Lord and you would then vote on that
5 substitute.

6 Delegate Bamberger.

7 DELEGATE BAMBERGER: I should like to ask
8 the Chairman of the Committee on the Legislative Branch
9 if he would yield to a question.

10 THE CHAIRMAN: Delegate Gallagher.

11 DELEGATE GALLAGHER: I will.

12 DELEGATE BAMBERGER: Would you care to clarify?

13 THE CHAIRMAN: Delegate Gallagher.

14 DELEGATE GALLAGHER: I had been under the
15 impression that we were going to vote on Mr. Rybczynski's
16 amendment to the amendment, then pass on to the amend-
17 ment as offered by Mr. Case and Mr. Lord. But if they are
18 going to be consolidated, naturally I will vote against
19 both at the outset.

20

21



1 THE CHAIRMAN: That confuses the Chair completely.

2 Let me again state what the posture of the matter will be
3 so far as putting the question to you is concerned: You
4 now have before you Amendment No. 1 to Amendment 11.

5 The Chair moves that this will be treated as a substitute
6 for Amendment 11. Therefore, a vote in favor of Amendment
7 1 is a vote to substitute it for Amendment 11.

8 If that carries, it means that the Committee
9 of the Whole has made the substitution, and it then has
10 before it Amendment No. 11 as substituted, which is to
11 say, it has before it for adoption or rejection the
12 substance of the amendment proposed by Delegate Rybczynski.
13 If it fails,, if the motion to amend the amendment fails,
14 then the matter before the Committee of the Whole is Amend-
15 ment No. 11 of Delegate Case and Lord.

16 Now, is there any further debate, any delegate
17 desiring to speak in opposition to Amendment No. 1?

18 Delegate Carson.

19 DELEGATE CARSON: Mr. Chairman, I think that the
20 point made by Delegate Dulaney is correct, that the
21 Rybczynski proposal does not offer the flexibility that

1 the Case-Lord proposal does. For example, as I view it,
2 the Case-Lord proposal would permit there to be a delegate
3 district of two delegates, combined with an adjacent
4 delegate district of one, all three comprising one senatorial
5 district.

6 Now, I think for his county and for the shore,
7 that difference might be important, and although it would
8 not affect my county in the least, I will not vote for
9 the Rybczynski amendment to the amendment because of
10 that difference, but rather support the Case-Lord
11 amendment.

12 THE CHAIRMAN: Does any delegate desire to speak
13 in favor of the amendment to the amendment?

14 Delegate Storm?

15 DELEGATE STORM: Mr. Chairman, may I ask a question?

16 THE CHAIRMAN: To whom is the question addressed?

17 DELEGATE STORM: I suppose to Mr. Rybczynski.

18 THE CHAIRMAN: Since he is speaking for, Delegate
19 Rybczynski, do you yield to a question?

20 DELEGATE RYBCZYNSKI: Yes, sir.

21 THE CHAIRMAN: Delegate Storm.



1 DELEGATE STORM: I am trying to search for some
2 flexibility here, and I have just been wondering if it
3 would be inadvisable in your opinion to simply state that
4 the state shall be divided into legislative districts
5 for the election of senators and delegates.

6 DELEGATE RYBCZYNSKI: Period.

7 DELEGATE STORM: Then let the different sub-
8 divisions decide, for example, in P.G. County they might
9 want all single-member districts. In my county I think
10 we would want to continue to vote county-wide, because this
11 parochialism question does affect people when they get
12 an office.

13 I have seen this work in little towns that get
14 split, one side of the square against the other, and this is
15 just foolish.

16 Now, why should we in this convention hamstring the
17 local authorities and wouldn't it be more advisable, or would
18 it, to have complete flexibility so that people could
19 have what they want in their own counties, and, or have
20 their own district, so that we would not describe one,
21 two, or three, but allow the people to decide. If they want



1 one, have one, and why tell everyone they must do it
2 a particular way?

3 THE CHAIRMAN: Delegate Rybczynski?

4 DELEGATE RYBCZYNSKI: Delegate Storm,

5 I did consider exactly what you are talking about to begin
6 with and in my own judgment I felt that this would be
7 defeated on the floor, and as I mentioned before, my hope
8 was that this would be a compromise between the two
9 positions; that is, merely leave the entire question to the
10 General Assembly, which I thought would be defeated, and
11 the one-member, one-delegate which I also believe would
12 be defeated.

13 Now, getting down to the cases involved: Why
14 does that make this good? Because the line-up will be
15 the same anyway, regardless of how you arrive at this
16 conclusion, this is going to be the conclusion anyway.
17 That is, the 40-120 naturally lends itself to a three to one
18 setup. If there is going to be a Governor's commission
19 or if it is going to be done by the General Assembly, or
20 by thisbody itself, three-to-one naturally lends itself
21 to this setup, so that you will have the nice, broad,

1 senatorial district.

2 Somewhere in there you are going to have three
3 delegates being elected, whether it encompasses a part
4 of a city or runs over county lines.

5 It will still work exactly the same. You cannot
6 get away from it. You have to go according to population.
7 You have to make them contiguous. You have to do a lot
8 of things to comply with the law.

9 The end result must be the same, and I am
10 answering Delegate Dulaney at the same time. How can we
11 have a senatorial district with two delegates being
12 elected, and have another senatorial district with four
13 delegates being elected? This is impossible. It cannot
14 work that way, and it also runs to my other argument, which
15 was the main reason I am opposed to single-member districts,
16 and that is, why make things so complicated for the average
17 voter that he does not know where he belongs; that is,
18 you put him in a delegate district, senate district,
19 councilmanic, Congressional district, This is too complicated
20 for the average newspaper reader, I believe.

21 THE CHAIRMAN: Delegate Storm?



1 DELEGATE STORM: Then you figure there is no
2 way that this convention would be willing to give flexibility?

3 THE CHAIRMAN: Delegate Rybczynski, you have one
4 minute.

5 DELEGATE RYBCZYNSKI: I believe this provides all
6 the flexibility that you can find in the ratio and in
7 this system.

8 THE CHAIRMAN: Delegate Storm?

9 DELEGATE STORM: May I ask Delegate Gallagher
10 a question?

11 THE CHAIRMAN: Delegate Gallagher, do you yield
12 to a question?

13 DELEGATE GALLAGHER: Yes, sir.

14 DELEGATE STORM: Would your committee mind exempt-
15 ing Frederick County and Carroll County?

16 THE CHAIRMAN: Delegate Gallagher.

17 DELEGATE GALLAGHER: In view of the support which
18 we intend to give local government, despite what may
19 have transpired earlier today, we would mind.

20 DELEGATE STORM: Thank you.

21 THE CHAIRMAN: Does any delegate desire to

1 speak in opposition?

2 Delegate Gill?

3 DELEGATE GILL: Mr.Chairman, I am from Baltimore
4 City.

5 THE CHAIRMAN: You may proceed.

6 DELEGATE GILL: And I think one of the most
7 telling arguments against democracy in the United States
8 is on election day, when so few people turn out to vote.

9 I think one of the main reasons why so few
10 people turn out to vote is because they don't feel they
11 are a part of the electoral process for one reason or
12 another.

13 I disagree with one of the delegates who said that
14 33,000 people would be too few people to represent and
15 it would be too parochial.

16 I recall one of the main reasons why I favored
17 the recommendation of the committee is because it will
18 give the people a chance to be represented more truly.

19 I recall one witness came with a proposal before
20 our committee. He said he was against ombudsmen:
21 because he was one. Each person in the legislature had



1 an opportunity to be an ombudsman and if you are repre-
2 senting a single district, that gives you a chance to serve
3 the people.

4 Of course, that is the only reason we are down
5 here. We are trying to get a legislature structured and
6 designed so that it can better serve the people. If we can
7 do something so that in this age of numbers, around the first
8 of the month, when you pay your bills, you refer to such
9 and such a number, you go to such and such an affair
10 and you refer to such and such a number. People have gotten
11 to the point where they are losing their individuality, and
12 if we can do something to make them feel that they are
13 part of government and that they know their elected
14 representatives and they know them, their problems, it
15 would be a great asset and the recommendation of the committee
16 is to have the same district so that the person represented,
17 or the senator can have a broader view to represent the
18 whole district, and so that within that district you will
19 have three parts of that district, each one represented
20 by one person who will get a chance to know his constitu-
21 ents and they will get a chance to know him, and if we

1 can have more parochialism, I think we will have a better
2 government, better turnout on election day and I certainly
3 hope that this amendment to the amendment and the amendment
4 will be voted down and that the recommendation of the
5 committee will be approved.

6 THE CHAIRMAN: Any other delegate desire to
7 speak in favor of the amendment to the amendment?

8 Delegate Byrnes?

9 DELEGATE BYRNES: Mr. Chairman, I would like
10 to speak.

11 I prefer the Case-Lord amendment, but I feel
12 that it is appropriate at this point to speak in favor
13 of the Rybczynski amendment, because I am not certain we
14 are going to have the opportunity to discuss the problems
15 of single-member districts again.

16 The report of the Legislative Committee convinced
17 me, and reality convinces me from the Third District of
18 Baltimore City that too many delegates, too many senators
19 do cause confusion, do cause a problem. I am in agreement
20 with three as a maximum, but if we have small districts now,
21 as the committee's suggestion was, what happens in 1980

1 in a 20-30? What is the population of that small district
2 at that point? Aren't we approaching what we now have in
3 the Congressional districts, high visibility, high visibility,
4 no question about that.

5 But I think this high visibility can be carried
6 to an extreme. High visibility means to me that the man
7 in office has the opportunity to get his name before the
8 public. That is what visibility is in political life.
9 It does not mean that he will be required, as he would be
10 in a multi-member district, to compete with his fellow
11 delegates in that district in servicing his constituents.

12 There is competition today and it is a healthy
13 competition: Three delegates serving one constituency,
14 one delegate serving one constituency can feel very
15 secure and I think this is the trap we will be falling
16 into in 20 and 30 years from now. If the point is smaller
17 in distance it is to better focus public attention on
18 the legislation. Doesn't this in reality imply that the
19 most vocal and aggressive constituent will make their
20 presence known to that delegate? And is this what we want?

21 I suggest to you this is what is meant by

1 the narrow views and the parochial views that we suggest is
2 the danger of single-member districts, and again, don't the
3 district interests have a secondary importance to the
4 state-wide interests? I frankly have difficulty under-
5 standing what the third legislative district interest is.
6 It has a view, which I hope to represent here. I know
7 that the city has an interest. I know that the county has
8 an interest. I know that the state has an interest. I know
9 the region would have an interest, but I cannot imagine
10 what a district interest would be.

11 If we wanted the ideal I would think we would have
12 state-wide elections, because then you would get the
13 state-wide perspective, but we cannot.

14 Political realities, practical realities suggest
15 that we cannot. So we go to what we can achieve, and that
16 is a multi-member district. The single-member district
17 to me goes in the opposite extreme.

18 There is experience which has not been referred
19 to and that I would like to refer to. Ohio in 1965
20 transformed itself into single-member constituents. The
21 National Civic Review has a very excellent article, a

1 study, and let me read one conclusion that they have
2 drawn from their study of the single-member constituencies
3 in Ohio: As argued by advocates, the ballot has been
4 shortened, plus making informed candidate choices more
5 feasible. Evidence is lacking that these choices raise
6 the educational or occupational level of the metropolitan
7 delegation. The hypothesis that better men would run
8 is not confirmed by Daniel from the first election under
9 single-member districts insofar as quantitative measure-
10 ment of quality is possible.

11 This, I submit to you, is reality. Single-member
12 districts I submit to you is theory. Sure, we have it
13 in senatorial districts today, but not because of the
14 reasons that have been suggested, focusing in, visibility,
15 because of practicality we had to have only one senator
16 in a county.

17 THE CHAIRMAN: Ysu have one half minute, Delegate
18 Byrnes.

19 DELEGATE BYRNES: Thank you, sir.

20 I would conclude with an example in my district. In
21 the Third Councilmanic District of Baltimore City we have

1 three councilmen. Each one of them represents a different
2 philosophy, conservative, moderate, and liberal. I suggest
3 to you that if you go to single-member districts, you are
4 utterly precluding those people who have a different
5 philosophy from the man who gets in from ever having their
6 views represented.

7 No district, no matter how small, will have a unity
8 of philosophy, governmental policy or politics and
9 I suggest to you that single-member districts would destroy
10 this, so I ask you to defeat -- to support the amendment
11 and hopefully to support the Lord Amendment.

12 Thank you.

13 THE CHAIRMAN: Any other delegate desire to speak
14 in opposition to the amendment to the amendment?

15 Delegate Freedlander?

16 DELEGATE FREEDLANDER: Mr. Chairman, I am
17 speaking in opposition to the substitute motion and in
18 favor of the Legislative Branch report.

19 During the days of discussing the possibility
20 of enlarging the size of this legislative body, we have
21 heard much debate about visibility and bringing the

1 government closer to the people.

2 I think the single-member district is a great
3 opportunity in that direction. In certain districts of
4 Baltimore City, where we have seven or eight representatives,
5 they come from one part of the district and only represent
6 one part of the district, and I believe that this is
7 not truly visible or truly representative.

8 There is another aspect that has not been mentioned
9 with regard to the State of Maryland, and that is that there
10 is a great deal of mobility. There is a great deal of
11 immigration. People are moving into the state. We have many
12 new developments. The complaints from people who come into
13 new areas is that they cannot get into the political arena
14 because it is closed to them.

15 Single-member districts would give that
16 opportunity to do something about mobility in the state.

17 My third point is that if we believe in the
18 two-party system, which is practically extinct in this
19 state, it seems to me that a single-member district
20 would give us that and would bring with it competition,
21 and perhaps higher quality candidates, because they would

1 be competing with an opposition party, and for that reason, I
2 favor the single member district presentation of the
3 legislative branch committee.

4 THE CHAIRMAN: Any other delegate desire to speak
5 in favor of the amendment to the amendment?

6 Delegate Neilson?

7 DELEGATE NEILSON: Mr. Chariman, I rise to
8 support Mr. Rybczynski, because I believe that his substitute
9 motion or amendment is a much better one than authored
10 by Mr. Lord and Mr. Case.

11 However, at the proper time I will push the
12 button as hard as I can against it, because I support the
13 committee in its recommendation of single-districts.

14 I concur with Delegate Clark and his remarks that
15 single-member districts will spread the representation as
16 far as we can to the rural areas.

17 THE CHAIRMAN: The Chair recognizes Delegate
18 Raley to speak in opposition to the amendment to the
19 amendment.

20 DELEGATE RALEY: Mr. Chairman, I would like to ask
21

1 a question of Chairman Gallagher if it is in order.

2 THE CHAIRMAN: Delegate Gallagher, do you yield
3 for a question?

4 DELEGATE GALLAGHER: Yes, sir.

5 THE CHAIRMAN: Delegate Raley.

6 DELEGATE RALEY: Delegate Gallagher, as I
7 understand it, you are for single-member districts, but
8 that you are in favor of the Rybczynski Amendment because
9 it gives you the flexibility that is not given in the
10 Lord-Case amendment, that is, flexibility that they could
11 have both an at-large delegate or district delegate; is that
12 correct?

13 DELEGATE GALLAGHER: I am sorry, I possibly misled
14 you in that respect. If the Case-Lord proposal were to
15 pass, and I am opposed to it, I would prefer to see it
16 passed, as Mr. Rybczynski has changed it. However, I am against
17 it.

18 THE CHAIRMAN: Delegate Raley?

19 DELEGATE RALEY: Well, Mr. Gallagher, then why do
20 you want the Rybczynski amendment?

21 What is your reasoning on it?

1 THE CHAIRMAN: Delegate Gallagher.

2 DELEGATE GALLAGHER: I was under the impression
3 that we would first take up the Rybczynski amendment to
4 the amendment, and then move to the amendment itself. That
5 is not the case. As I understand it, since the Rybczynski
6 amendment is really a substitute for the Case-Lord amend-
7 ment, I am going to vote against it, but if it passes, I
8 will be happier with it than I would have been had the
9 Lord-Case proposal passed. In other words, I would like
10 to say that I am for the committee report, and I am
11 against the attempt to change it, but if there is to be
12 a change, I prefer the kind of change which Mr. Rybczynski
13 has given us.

14 THE CHAIRMAN: Delegate Raley.

15 DELEGATE RALEY: You are for that change because
16 there is a flexibility, that they can have both at large
17 delegate districts, or single-member delegate districts,
18 because that flexibility is in there? As I read it,
19 I think that is what it says.

20 THE CHAIRMAN: Delegate Gallagher.

21 DELEGATE GALLAGHER: Assuming that one gets

1 the change, which I am opposed to, the reason that I
2 would prefer the Rybczynski one is that I believe it requires
3 that the three delegates either run within the single-
4 senatorial district, or that the single-senatorial district be
5 divided into three separate districts, so that it is either
6 an at-large running of three or the three running a
7 compartmentalized within the single senatorial district.

8 I don't like the possibility of two delegates
9 running within districts, that is, a single senatorial
10 district, and then one running at large, which nobody
11 has said anything about, but which I have had in the back
12 of my head since the debate began.

13 THE CHAIRMAN: The Chair will have to limit you
14 to questions at this time. There are too many others
15 seeking to debate. Any other delegate desire to speak
16 in opposition to the amendment to the amendment?

17 Delegate White?

18 DELEGATE WHITE: Mr. Chairman, I am disturbed
19 about the use of the word "visibility." It seems that
20 the term "visibility" has a value to certain members of the
21 Convention which in my experience does not lead me to

1 embrace that concept. Possibly this is the first time I have
2 been invisible for the last 15 or 20 minutes. I finally
3 get the mike but on those occasions during my long life
4 where I was visible under the conditions which prevailed
5 in Maryland, my visibility always worked to my disadvantage,
6 and although I am going to vote against this amendment,
7 I hope that we can use another word in arguing in behalf of
8 the resolution for which I shall vote.

9 THE CHAIRMAN: Does any delegate desire to speak
10 in favor of the amendment?

11 Delegate Bushong, did you desire to speak
12 in favor of the amendment?

13 DELEGATE BUSHONG: No, sir.

14 THE CHAIRMAN: Delegate Miller, Beatrice Miller.

15 DELEGATE B. MILLER: A point of parliamentary
16 inquiry, Mr. Chairman.

17 THE CHAIRMAN: State your inquiry.

18 DELEGATE B. MILLER: If we voted down the Rybczynski
19 amendment and then voted for the Case-Lord amendment,
20 can we then ask for reconsideration of the Rybczynski
21 amendment?

1 THE CHAIRMAN: So long as the Committee of the
2 Whole has not risen, I suppose we can ask for reconsidera-
3 tion of any vote, but the Chair fails to see why you
4 would want to do this.

5 DELEGATE TAYLOR: I would want to do this in view of
6 my Chairman's suggestion that if the Case-Lord amendment
7 passes, he would prefer it with the Rybczynski amendment
8 on it.

9 I do not want to vote for the Rybczynski amendment
10 unless I have to.

11 THE CHAIRMAN: I would suggest to you, Delegate
12 Miller, that to accomplish your purpose, you would vote in
13 favor of the Rybczynski amendment to the amendment, and
14 if it passed, you would then vote against the amendment
15 substituted for the Case-Lord amendment.

16 DELEGATE MILLER: Thank you very much.

17 THE CHAIRMAN: Any other delegate desire to
18 speak in favor of the amendment to the amendment?

19 Delegate Mason?

20 DELEGATE MASON: Mr. Chairman, initially I was
21 in favor of the single-delegate district.

Now the Rybczynski amendment, the Case-Lord

1 amendment, they cut the senatorial districts down into
2 single senate districts, and they limit it to three delegate
3 districts.

4 There has been considerable discussion in here that
5 if you vote for the Rybczynski or Case amendment, you would
6 be furthering the rights of political organizations. But
7 I do not see it that way. I think if we vote for the single-
8 district, we will be furthering parochialism.

9 Now, in Baltimore City, I do not see how a
10 single district would help minority groups whether it is
11 political or ethnic. I think the Republicans and the
12 Democrats, at least in my district, they all live together.

13 I might also suggest that in Baltimore City
14 we have a City Council, which is elected in a multi-delegate
15 district. Now if we were arguing this point in the Baltimore
16 Council, I certainly would be in favor of a single-delegate
17 district, but since we are speaking of legislative
18 districts, I think our delegates in the Legislature
19 should be more broadminded than the councilmen we
20 elect for our city councilmen. Therefore, I will vote for
21 the Rybczynski amendment.

1 THE CHAIRMAN: Before recognizing anyone else,
2 I think the Chair should call the attention of the Committee
3 of the Whole to the fact that we have debated the Case-
4 Lord amendment for 25 minutes We have engaged 42 minutes
5 in debating the Rybczynski amendment to the amendment, and
6 27 persons have spoken to that amendment. Does any other
7 delegate desire to speak in opposition to the amendment
8 to the amendment?

9 Delegate Koger?

10 DELEGATE KOGER: Mr. Chairman, I certainly would
11 like to record my opposition to this amendment. Now, I
12 want to say in all sincerity that I think the most progressive
13 legislation that could come out, I mean the most progressive
14 provision that we could put into this constitution would be
15 the information, or would be the legislation as advocated
16 by the Legislative Committee. I, too, am from Baltimore
17 City. First of all, I am from a district where only one
18 element is represented here now; the group that you see here,
19 we are not a cross-section of that district. We are all
20 from Baltimore, all of us are from the same economic,
21 affluent district.



1 We live in those areas, and the main reason is
2 because the districts are not so divided that we get
3 a cross-section of representation.

4 I believe that if you defeat this amendment,
5 you will get not only more exact representation, but you
6 will get also a quality of representation.

7 For instance, in a district similar to the
8 kind that I represent, we are overrun with bossism. We are
9 overrun with the racketeers, and we are not actually getting
10 the kind of people in politics who can very well represent
11 the people, or they cannot very well represent the people
12 like they should. For instance, we dissipate our energies
13 and potentials with cliques, we waste our efforts in
14 factional division, we are unable to, in a city such as
15 Baltimore, where you have so much congestion, we are
16 are unable to get the very best type of representation,
17 unless we tie the representative down to the district, or
18 down to the district he should represent.

19 I sincerely hope that you will defeat this.

20 THE CHAIRMAN: Any other delegate desire to
21 speak in favor of the amendment?

1 DELEGATE LORD: Yes, sir.

2 THE CHAIRMAN: Delegate Gill, do you desire to
3 speak in favor of the amendment?

4 DELEGATE GILL: I have a question.

5 THE CHAIRMAN: To whom is your question addressed?

6 DELEGATE GILL: When will we vote on the
7 committee recommendation? I mean is it assured we will
8 vote on the committee recommendation, even if one of
9 these amendments would pass?

10 THE CHAIRMAN: If the committee recommendation
11 is amended, you would not vote on the committee recommenda-
12 tion.

13 DELEGATE GILL: In other words, both these
14 amendments would have to fail to give us a chance to vote
15 on the committee recommendation?

16 THE CHAIRMAN: No. The Rybczynski amendment,
17 or I should not say it that way, the amendment to the
18 amendment could pass and be substituted for the Amendment
19 No. 11 and then if Amendment No. 11 failed, the committee
20 recommendation would be before you.

21 DELEGATE GILL: Suppose the Rybczynski



1 amendment failed; then we would vote on the committee
2 recommendation?

3 THE CHAIRMAN: You would vote on Amendment
4 No. 11. If it passed, you would not have the opportunity
5 to vote further on the committee recommendation. If it
6 failed, you would.

7 The Chair recognizes Delegate Lord to speak
8 in favor of the amendment to the amendment.

9 DELEGATE LORD: Mr. Chairman, fellow delegates,
10 I rise to support, with some reservations I must admit,
11 the Rybczynski amendment to the amendment, and I
12 think that perhaps it would be best to attempt to clear
13 the air somewhat to explain the differences between the
14 two amendments.

15 Under the amendment as submitted, No. 11, each
16 subdivision may have one, two or three delegates repre-
17 senting a district. This would be determined at some future
18 date. Under the Rybczynski amendment, the alternatives
19 have been cut by one-third. You may have a single-member
20 district, or you may have a three-member district.

21 I also should point out that there is no

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1 relationship under the Case-Lord amendment between
2 the senatorial districts and the delegate districts.
3 It may well be, as Delegate Dulany has pointed out, that
4 you will have two delegates running from one district,
5 and that delegate district will have to be joined with
6 a single member district in order to create a senatorial
7 district.

8 The ratio of three to one would never be changed.
9 It simply is not quite as automatic a solution as the
10 Rybczynski amendment.

11 Now, I should also state that I am unalterably
12 opposed to Delegate Storm's suggestion that this be left
13 to the legislature. I think that the maximum of three
14 delegates is the outside limit, and I do not think that this
15 is a limit that should be reached without a great deal
16 of consideration by the commission that will do the re-
17 districting and reapportioning.

18 This is the outside limit. I think that anything,
19 be it four, five, six, seven or eight delegates above the
20 limit of three, would be an unworkable solution, which
21 would be simply perpetuating many of the problems that



1 you have in the large metropditan areas.

2 I find myself in agreement with Delegate Dulany
3 on his point. There are now six subdivisions of the state that
4 are represented by two delegates in the House of Delegates.
5 I would assume this number would be roughly the same
6 under the 120-man house of delegates as reapportioned
7 in 1970.

8 I for one would not want to cut off the opportunity
9 of keeping two delegates in a district and forcing . choice
10 between one and three.

11 I think this removal of that alternative is
12 unfortunate.

13 I should also point out that when the Legislative
14 Branch Committee made its report, and this has been
15 acknowledged by the Chairman of that committee, single-member
16 districts were based on a house of 105. We now have a house
17 of 120, so, while the vote on that committee was 15 to
18 5 in favor of single-member districts, perhaps the vote
19 would be somewhat different with the House expanded to
20 this point.

21 To clarify this, each delegate district would be

1 roughly 15 per cent smaller under the 120-member house
2 as opposed to the 105-member house. This creates 15 per cent,
3 if you can measure it this way, more parochialism and more
4 representation of individual interests.

5 I suggest that this is an argument against the
6 committee's report.

7 In closing, I would just like to read a paragraph
8 from page 129 of the final report of the Constitutional Con-
9 vention Commission, in its comment to Section 304, as
10 recommended, where it says:

11 "It might be desirable to establish a separate
12 district for each delegate, but this has not proven to
13 be feasible. However, it might be practicable for the
14 General Assembly to provide for single-member districts
15 in the future, and this possibility should not be precluded."

16 I agree one hundred per cent with that statement
17 and submit that both the Rybczynski and the Case-Lord
18 amendment would accomplish that possibility, and would allow
19 the General Assembly to very easily divide the state
20 at some future date into single-member districts.

21 THE CHAIRMAN: Does any other delegate desire



1 to speak in opposition to the amendment?

2 Delegate Gallagher?

3 DELEGATE GALLAGHER: One last word from me,
4 Mr. Chairman.

5 Assuming a 40-member Senate, and a 120-Member
6 House for 1970, there would be 100,000 persons in each
7 Senate District, and 33,000 persons in each House district.
8 Assuming the same thing for 1980, a 40-member senate would
9 have 117,000 persons per senate district, and 39,000
10 persons per delegate district.

11 I might point out that a 33,000 population house
12 district is roughly twice the size of Kent County.

13 Now, in order to rally the forces to
14 preserve the committee stand, may I suggest that those who
15 are in favor of single-member senate districts and single-
16 member house districts vote no now and hereafter until the
17 Chairman of the committee would indicate differently. (Applause)

18 THE CHAIRMAN: Does any delegate desire to
19 speak in favor of the amendment to the amendment?

20 Delegate Sherbow?

21 DELEGATE SHERBOW: Mr. Chairman.



1 Members of the committee, I favored originally the Lord-
2 Case proposal. Apparently the sponsor now moves toward
3 the Rybczynski proposal. I am for that in preference
4 to the single-member district. Let me tell you why.

5 I may not be in the same position as my good brother
6 who sits on my left, Delegate Sickles, because the last
7 time I had practical experience in ward precinct and
8 district politics was more than 27 years ago, but the
9 statistics just given you by Delegate Gallagher should
10 speak volumes for the kind of insulated, separate, parochialism
11 that will come in Baltimore City.

12 I do not presume to speak for any other area.
13 I just wish that you would allow us to have our delegates
14 run from a larger district than 33,000. This is why, if
15 33,000 people are in that one district, that is a little
16 district to us because we have concentrated population.
17 About two and a half to one is the ratio of voters, so
18 that is just about 14,000 voters will be on the box in that
19 one single district.

20 This is one fact of life that may not exist in
21 Prince Georges County, Brother Sickles, but it exists in

1 Baltimore City.

2 The election is won in the primary. Don't kid
3 yourself about it. So that in that primary, less than
4 50 per cent in Baltimore City go to the polls. I would
5 say 40 per cent. I would say in most elections 30 percent,
6 but make it the best figure you want, whether it is of
7 those 15,000 who are eligible to vote, six, seven thousand
8 of them do vote. If you have a single-member district, you
9 are going to find five or six thousand are going to make
10 the decision, and when that one individual gets in, from that
11 district, could you picture him being there, speaking on
12 the great problems of the state -- air pollution, water pollu-
13 tion, economic development, mass transportation, regional
14 development? Oh, no. His interest is going to be
15 staying elected from this one little square box of his own in
16 that little district.

17 All I am asking you is, in Baltimore City,
18 give us a broader base from which to pick the men and the
19 women who will represent, not a little district, but the
20 entire state, with a viewpoint that is state-wide and not
21

1 narrow.

2 It is time we found out that the facts of life, as
3 they exist in the political life, are really there for
4 anybody to see who will count the votes the day of
5 the primary and see how did they get in.

6 That is how they got in.

7 THE CHAIRMAN: The Chair is not dear, but
8 assumes that Delegate Sherbow was speaking in favor of
9 the Rybczynski amendment.

10 DELEGATE SHERBOW: Didn't I announce it at the
11 beginning, because I thought Mr. Lord had abandoned support
12 for his own.

13 THE CHAIRMAN: I don't object. I just want to give
14 the opportunity to opponents to speak following you.
15 Does anyone desire to speak in opposition to the Rybczynski
16 amendment?

17 Delegate Marion.

18 DELEGATE MARION: Mr. Chairman, and ladies and
19 gentlemen, I am compelled to rise because of what the
20 last speaker just said.

21 I think we should all recognize it and recognize



1 it very clearly. I am a member of a political party, but
2 the reason, one of the basic reasons why the election is
3 won in Baltimore City in the primary is because of
4 multi-member districts in Baltimore City.

5 The interests of the minority political party
6 are submerged and can be submerged and will always be
7 submerged as long as multi-member districts are tolerated.

8 I think most of the other arguments have been
9 said, Mr. Chairman. Let me just say this, in closing:

10 The word parochialism has been used here with
11 a certain insidious flare to it, but what we are talking
12 about, when we talk about single-member districts and
13 talking about that parochialism is the reduction of
14 representative democracy to the lowest common denominator,
15 to get government, as we said, time and time again yesterday
16 and the day before, as close to the people who are being
17 represented as it is possible to do.

18 I urge this body to vote against the amendment
19 to the amendment, to vote against the amendment, to
20 support the committee, and to favor single-member districts.

21

1 THE CHAIRMAN: Does any other delegate desire
2 to speak in favor of the amendment?

3 Delegate Sosnowski.

4 DELEGATE SOSNOWSKI: Mr. Chairman, I would
5 like to speak in favor of the Rybczynski amendment.

6 I am strongly opposed to single member districts
7 in both houses of the legislature. The most attractive
8 and well thought out theory in the world is valid only
9 if it works when put into practice, and it is my feeling
10 that when the field of single member districts and sharpened
11 lines of legislative responsibility is put into practice
12 it will prove to be invalid. The single member legislative
13 district will tend to produce little political kingdoms
14 and a parochial General Assembly.

15 A legislature composed of law makers, each from
16 a tiny political enclave, will increase parochialism,
17 provincialism, and increase unanimity to such a degree
18 that the passage of progressive legislation will be extre-
19 mely difficult. Because of the limited geographical area
20 and smaller population, each legislator represents in a
21 single member district, he will probably feel less free

1 to vote his conscience on matters of general public con-
2 cern.

3 The viewing of each little kingdom for construc-
4 tion of public facilities will tend to produce log rolling
5 the likes of which have never been witnessed in a legis-
6 lative body before.

7 By no means am I in favor of abolishing all
8 parochialism in the legislature. A degree of parochialism
9 is healthy, and necessary to give voice to a different
10 philosophy and needs on a factional or sectional basis.

11 However, by virtue of single member district
12 representation, such parochialism is already present in
13 one house of the legislature, the Senate.

14 The multi-membership districts in the House
15 of Delegates allow an overall majority to be exercised,
16 thus contributing a necessary balance to the legislature.

17 The existence of a bicameral or two-house legis-
18 lature affords the framework for a balanced legislature,
19 whereby one house is elected on a single member district
20 basis and the other house is elected on a multi-member
21 district basis.

1 When the existing bicameral framework is
2 used in this manner to create a balanced legislative
3 body, the people are assured of representation which can
4 best serve the welfare of each and all.

5 THE CHAIRMAN: Any other delegate desire to
6 speak in opposition to the amendment to the amendment?

7 Delegate Bushong.

8 DELEGATE BUSHONG: Mr. Chairman, this Conven-
9 tion just forced the small counties in the legislative
10 districts, and now all of a sudden we come to Baltimore
11 City which voted overwhelmingly in favor, or against the
12 small counties, and they have their problems, but they
13 too arise over the Supreme Court decision.

14 Now, I think it is high time that they take
15 their medicine, along with the rest of us, and let's not
16 bog down here on a lot of oratory about how 100,000 people
17 are necessary before you can get good representation.

18 That, to me, is a lot of stuff.

19 THE CHAIRMAN: Does any other delegate desire
20 to speak in favor of the amendment to the amendment?

21 Delegate Byrnes.

1 DELEGATE BYRNES: Mr. Chairman, very
2 briefly, I happened to come across in the National
3 Scientific Review a comment which I think is very appro-
4 priate to Delegate Sherbow's comment. They say this:
5 They say that the demand for a short ballot was indeed
6 met. In this respect the plan even went beyond the
7 expectations of the sponsoring group. Their editorial
8 spokesman, the "Plain Dealer," which we know is a very
9 respected and objective news journal, was soon to warn
10 that no voice, not one voice in the legislature was heard
11 to speak for the counties as a whole.

12 THE CHAIRMAN: Any other delegate desire to
13 speak in opposition?

14 Delegate James Clark.

15 DELEGATE JAMES CLARK: Mr. Chairman, ladies and
16 gentlemen, I want to compliment the gentleman who just
17 spoke, Delegate Bushong. He said more in a few words
18 than perhaps most of us are capable of doing.

19 Another way of putting it is, those who say
20 you have to have 100,000 people to be able to intelligently
21 send people to the House of Delegates, is that these people

1 do not trust the people. I think we can take 33,000
2 people in any portion of this State and they can find de-
3 cent people, capable people, people who they know, and
4 the candidates can know the people. This is a two-way
5 street.

6 I think in the long run this is the tool that
7 we will use to get the best representation.

8 THE CHAIRMAN: Any other delegate desire to
9 speak in favor of the amendment to the amendment?

10 Delegate Storm.

11 DELEGATE STORM: Please, don't divide Frederick
12 County, please.

13 THE CHAIRMAN: Any other delegate desire to
14 speak in opposition to the amendment to the amendment?

15 Delegate Singer.

16 DELEGATE SINGER: Mr. Chairman, I rise to
17 speak against the amendment.

18 I would suggest that the essential merit of
19 the Lord case is the flexibility it provides. I believe
20 that the amendment by Delegate Rybczynski would destroy
21 that very flexibility. The memorandum by the committee

1 in support of its recommendation of single member districts
2 cites two goals to be achieved: The first is shorten the
3 legislative ballot; second, shorten the lines of legis-
4 lative responsibility.

5 I believe both benefits are gained in large
6 measure without sacrifice of flexibility by adoption of
7 the provision allowing one-to-three delegates in a district.
8 We have heard many claims as to the merits of the
9 single member districts. I am still unconvinced that the
10 concept of a single member district contains the merits
11 to make it work. To me the proof is lacking. To divide
12 Baltimore City into 30 provinces is to my mind a step
13 backward, not an advancement toward more effective govern-
14 ment.

15 I urge you to vote against the Rybczynski
16 amendment and in favor of the Case-Lord amendment.

17 THE CHAIRMAN: Any other delegate desire to
18 speak in favor of the Rybczynski amendment?

19 Delegate Carson.

20 DELEGATE CARSON: I am going to vote in
21 favor of the amendment, hoping that later it might be



1 reconsidered. The virtue of the Case-Lord is that it does
2 not require absolute three member districts or one,
3 but also the two member district might be adequate. But
4 I think at this time it is best to vote in favor of this,
5 and hopefully I can come back and maybe add a little bit
6 of flexibility later.

7 THE CHAIRMAN: The Chair recognizes Delegate
8 Hopkins to speak in opposition to the amendment to the
9 amendment, and before she speaks, wishes to announce that
10 she will be the 38th speaker, beginning the 65th minute
11 of debate on this secondary amendment.

12 Delegate Hopkins.

13 DELEGATE HOPKINS: Thank you.

14 I wish to speak in opposition to the amendment
15 to the amendment. Delegate Cardin has pointed out the
16 gerrymander that we have lived under in Baltimore City
17 all of my life, and if you need any further reference, I
18 merely refer you to all of the election returns for
19 many many years. This applies both to members of the
20 minority political party and members of the other minorities
21 in the City.

1 If you have lived in certain parts of the City
2 or if you are of a certain party, you therefore cannot ever
3 get elected.

4 If this Convention does not do something about
5 this in recommending and standing behind single member
6 districts, we will be accused of carrying on the gerry-
7 mander.

8 Thank you.

9 THE CHAIRMAN: The Chair recognizes Delegate
10 Vecera to speak in favor of the amendment to the amendment.

11 DELEGATE VECERA: Mr. Chairman, Members of
12 the Committee:

13 I speak in favor of this amendment because I
14 see here that political kingdoms could arise in Baltimore
15 City. 33,000 people would only take a matter of a few
16 blocks. Political kingdoms could arise, more than we have
17 now, if we have any at all, and I therefore speak strongly
18 in favor of this amendment for a multi-member district.

19 THE CHAIRMAN: The Chair recognizes Delegate
20 Gill to speak in opposition to the amendment.

21 DELEGATE GILL: I was hoping I wouldn't have

1 to raisethis argument, because I would be accused of
2 trying to elect more Negroes to the legislature. That
3 is not my intention. My intention is to try to get adequate
4 representation for people in Maryland, no matter where
5 they live.

6 Baltimore City, of course, is a prime example
7 of the fact that Negroes are not elected. From the first
8 district, the third district, from the fifth district,
9 from the sixth district they never win any Negro
10 representation.

11 That is not the only group that is not represented.
12 From all of Baltimore City there are many groups, many
13 people who are not represented down here, and as a
14 result of the multi-member representation, everybody repre-
15 sents nobody, or very few.

16 We have between 60,000 and 70,000 people in
17 each of the six districts in Baltimore City. The fifth
18 district, most of the people always come from a certain pre-
19 cinct and live within a mile of each other. How is that
20 representing 70,000 people? You can take almost any other
21 district in Baltimore City, and I am sure you could go

1 around the state and find the same thing. So many people
2 are not represented because, with the multi-member
3 representation, it is just impossible to represent
4 people in certain areas, so what happens? The people who
5 are selected are selected because they can pull so many
6 votes, and by pulling so many votes they go on the ticket
7 and that ticket is elected; and of course it goes over and
8 over again.

9 We have an opportunity here to try to represent
10 more different kinds of people, and all the people, and if
11 we continue to elect multi-member districts we will con-
12 tinue to elect certain people, certain areas, and the
13 other people will simply keep trying and never get elected.

14 THE CHAIRMAN: Does Delegate Lloyd Taylor
15 desire to speak in favor of the amendment?

16 DELEGATE L. TAYLOR: Against the amendment.

17 THE CHAIRMAN: Does anyone desire to speak
18 in favor of the amendment?

19 Delegate Wheatley.

20 DELEGATE WHEATLEY: Mr. Chairman, I am aware
21 of the adage, "Blessed is he who has nothing to say; he

1 cannot be persuaded to say it;" but even at that risk
2 I think I am compelled to rise to express myself on
3 what I consider to be one of the key issues of the legis-
4 lative branch of government.

5 I think I have been consistent in my approach,
6 that the government is truly good that is close to the
7 people, and for that reason I have tried to listen very
8 intently to those who represent many counties of the
9 State where sparsity is indeed a great factor. For that
10 reason I have tried to express through my vote the wishes
11 of their constituents, to the degree that I am able.

12 I think now I call upon them to look upon those
13 who are in a different situation, where not sparsity but
14 density is a factor, and I think density can be just as
15 much a problem as sparsity.

16 Speaking as one who comes from a district with
17 about 160,000 people, I think a paring down of that district
18 would be in order, and an individual without any political
19 or machine affiliation might be able to run. But by the
20 same token I suggest that there is no panacea to smallness
21 alone, that a political organization's desire is to



1 survive. It may become easier, not more difficult,
2 to control single member districts than multi-member
3 districts.

4 I suggest to you that it would be quite easy to
5 select those districts where power is in jeopardy and in
6 those districts concentrate efforts that all of us are
7 aware of. For that reason, I must say that if you are
8 attempting to do that which is good, if we are attempting
9 to do that which is best for the people, it might be well
10 for us to consider those who seek to represent those
11 people for whom the good is suggested, and for that reason
12 I support the Rybczynski amendment to the earlier amend-
13 ment that was offered, and ask those here to do likewise.

14 THE CHAIRMAN: The Chair recognizes Delegate
15 Lloyd Taylor to speak in opposition to the amendment of
16 the amendment.

17 DELEGATE L. TAYLOR: I would like to speak against
18 the amendment for a single delegate district. I want to
19 speak from my own experience, from the experience of
20 Tennessee as indicated by the article, "A Lesson for
21 Reapportionment," in the Reporter Magazine issued September

1 21, 1967.

2 It says: "Before Baker v. Carr Tennessee
3 legislative districts were identical to the counties, and
4 candidates ran county-wide. This mean, for example, that
5 all the men running in Shelby County, which includes Mem-
6 phis, would have to have the backing of the city political
7 machine. All the Shelby representatives were thus city
8 men and tended to support programs sponsored by the Tennes-
9 see Municipal League in the legislature. But since rural
10 counties with only a small fraction of Shelby's popula-
11 tion had, taken together, more representatives than urban
12 counties, the TML proposals were usually voted down.
13 Today, a populous county like Shelby has more representatives,
14 but these are divided among a number of homogeneous
15 voting units, such as the wards of downtown Memphis and
16 suburbs like Millington and the aptly named Whitehaven.
17 The candidates run only in their districts. This system
18 has produced the state's first post-Reconstruction Negro
19 delegation - six from Memphis, Nashville, and Knoxville;
20 the first group of representatives with strictly suburban
21 constituencies; and a whole new set of white-Negro,

1 Democratic-Republican, city-suburban divisions within
2 the once solid 'urban' county delegations in the legis-
3 lature."

4 I feel that the single district will be more
5 representative of democratic government, and in the City
6 of Baltimore from the second district, where I live, there
7 are many people who are not properly represented by the
8 delegates of the House of Delegates and the citizens of
9 the State of Maryland. They are not represented by their
10 city councilmen. For instance, I work as a neighborhood
11 counsel with the Anti-Poverty Program. We established
12 25 Negro centers in 25 Negro neighborhoods to put the govern-
13 ment closer to the people.

14 We have had several city councilmen who are
15 supposed to represent the second district, but I have
16 seen many expenditures where the people could not get any
17 response from their city councilmen, so therefore the Anti-
18 Poverty Program moved in where there was a vacuum in the
19 second district or in the Government of Baltimore City.

20 The people in these areas, they know about the
21 problems, statewide problems. They know about Negro



1 problems. They know about citywide problems. They
2 know about urban renewal, air pollution. They know
3 about air pollution because air pollution really affects
4 the City population more than the rural and suburban
5 population.

6 They know about the highway system, because the
7 highways come through the City.

8 They know about many problems affecting the State
9 of Maryland, and therefore they want representation; and
10 of course, I feel the single member district will give
11 them more representation. Therefore, I am against
12 this amendment, and I am for the single member district.

13 THE CHAIRMAN: Does any delegate desire to speak
14 in favor of the amendment to the amendment?

15 Delegate White.

16 DELEGATE WHITE: Mr. Chairman, I wonder if Dele-
17 gate Taylor would yield to a question. I am seeking in-
18 formation.

19 THE CHAIRMAN: Just a second.

20 Mr. Taylor has slightly less than one minute,
21 which will encompass both your question and his answer.

1 Delegate Taylor, do you yield to a question?

2 DELEGATE L. TAYLOR: Yes, sir.

3 THE CHAIRMAN: Delegate White, State your
4 question.

5 DELEGATE WHITE: Delegate Taylor, in view of the
6 fact that you gave us some information concerning the
7 second district, I wonder if you could give me some indi-
8 cation as to whether or not government in the first district
9 in Baltimore has managed to work its way down to the common
10 people.

11 THE CHAIRMAN: Delegate Taylor.

12 DELEGATE TAYLOR: From my recollection, there
13 are groups in the first district who are not represented
14 fully, both the whites and the Negroes. We find that in
15 the first district, and I believe that the delegates from
16 the first district will support me, there is a political
17 machine controlling the first district; and of course
18 there are some delegates here who had to fight the political
19 machine in the first district in order to get elected.

20 THE CHAIRMAN: The Chair suggests that this
21 subject should be thoroughly and fully debated by now.

1 There is no limit to debate. I cannot call a limit.

2 I urge you to exercise self-restraint. (Applause.)

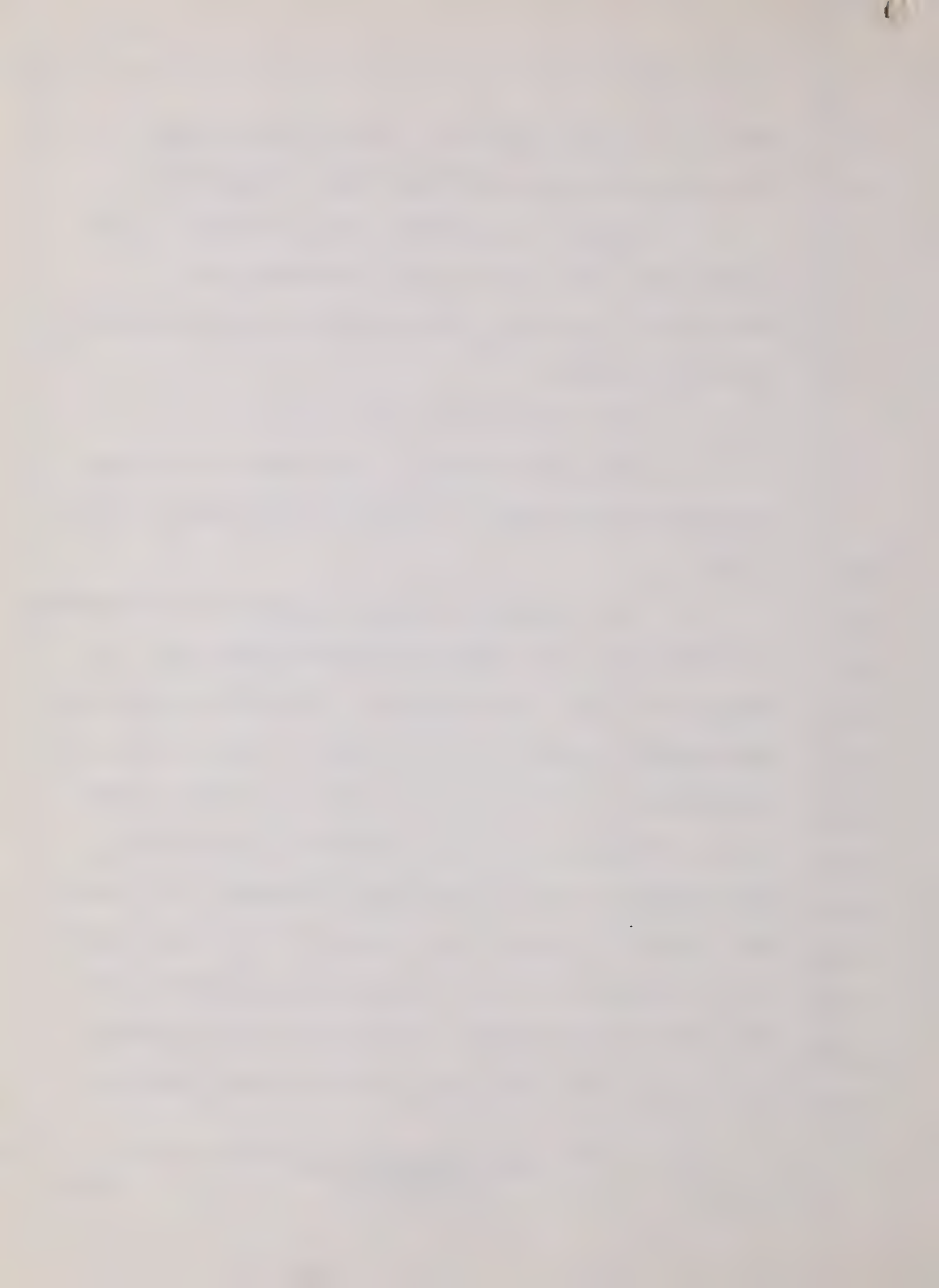
3 DELEGATE WEIDEMEYER: Mr. President, I rose
4 to say that I have heard so many speeches, and I
5 wanted to get the Chair's permission to reserve my speech
6 for another subject.

7 Are you ready for the question?

8 Will the Sergeant at Arms please notify any
9 delegates who have gone to the hall we are about to take
10 a vote?

11 The question arises on the adoption of amendment
12 1 to amendment 11 to Committee Recommendation LB-1. As
13 announced earlier, the amendment is in effect a substitute
14 for amendment number 11. A vote Aye is a vote in favor of
15 the amendment to the amendment; that is, a vote in favor
16 of the substitute, and would substitute the amendment,
17 which we have called the Rybczynski amendment, for amend-
18 ment number 11, which we have called the Case-Lord amend-
19 ment. A vote No is a vote against the Rybczynski amend-
20 ment and will leave before you the Case-Lord amendment.

21 After the action on this amendment there will



1 be another vote, either on this amendment as substituted
2 for the Case-Lord amendment, or on the Case-Lord amend-
3 ment.

4 Therefore, a vote Aye is a vote in favor of the
5 substitution. It does not adopt the amendment to the
6 section. A vote No is a vote against the substitution.
7 Cast your votes. Has every delegate voted? Does any
8 delegate desire to change his vote? The Clerk will record
9 the vote.

10 There being 53 votes in the affirmative and
11 84 votes in the negative, the motion is lost. The substi-
12 tute fails.

13 The question now arises on the adoption of
14 amendment number 11, the Case-Lord amendment. A vote Aye
15 is a vote in favor of the amendment. A vote No is a vote
16 against. Cast your votes.

17 Has every delegate voted? Does any delegate
18 desire to change his vote? The Clerk will record the vote.

19 There being 52 votes in the affirmative and 83
20 in the negative, the motion is lost. The amendment fails.

21 Are there any other amendments to section

1 3.04 dealing with single or multi-member districts?

2 Are there any other amendments to section
3 3.04 dealing with any matter?

4 Delegate Ritter.

5 DELEGATE RITTER: I think the Chairman of the
6 Legislative Committee has one there. If he does
7 not have, I have one to offer.

8 THE CHAIRMAN: Delegate Gallagher.

9 DELEGATE GALLAGHER: Mr. Chairman, in the Com-
10 mittee on the Legislative Branch the Chairman introduced
11 what is called the non-voting legislative agent proposal.
12 That particular proposal was voted down through the
13 courtesy of my fellow members of the Legislative Branch
14 by a vote of 15 to 5. However, because it does contain what
15 a number of small county representatives would like to have,
16 I feel I would like to offer it as an amendment and add
17 Delegate Grant and Delegate Ritter to it.

18 Since it is not the will of the committee, I
19 should like to step down as Committee Chairman and have
20 either the vice chairman or one of the other members
21 of the committee speak against it because in offering

1 it I go against the committee wishes with respect to
2 this matter; but I feel strongly about it and would like to
3 have it offered for consideration to the Committee of
4 the Whole.

5 THE CHAIRMAN: Delegate Gallagher, who were the
6 additional sponsors?

7 DELEGATE GALLAGHER: Messrs. Grant and Ritter.
8 It would be the one that is marked JQ.

9 THE CHAIRMAN: The Clerk will read the
10 amendment.

11 MR. QUILLEN: Amendment No. 12 --

12 THE CHAIRMAN: Amendment No. 12 to the Committee
13 Recommendation LB-1. Please distribute the amendment.

14 MR. QUILLEN: Amendment No. 12 to Committee
15 Recommendation No. LB-1, by Delegate Gallagher, Chairman
16 of the Committee of the Legislative Branch, and Delegates
17 Ritter and Grant.

18 On page 2, section 3.04, "Composition of the
19 Legislature," line 6, after the period insert the following:

20 "Any county which is not entitled to at least one
21 delegate elected completely within the boundaries of the



1 county shall be entitled to a non-voting legislative agent
2 in the House of Delegates."

3 THE CHAIRMAN: Is the amendment seconded?
4 Delegate Gleason seconds?

5 DELEGATE GLEASON: Yes.

6 THE CHAIRMAN: The Chair recognizes Delegate
7 Gallagher to speak to the amendment.

8 DELEGATE GALLAGHER: Very briefly, Mr. Chairman,
9 the amendment would provide that any county which is not
10 entitled to at least one delegate elected completely within
11 the boundaries of the county shall be entitled to a non-
12 voting legislative agent in the House of Delegates.

13 This proposal is prompted by the desire to have
14 those counties which do not have a member in the House of
15 Delegates have someone represent them on their behalf
16 in the General Assembly and be entitled to all the
17 privileges of membership in the House of Delegates, other
18 than voting on committee and voting on the floor of the
19 House.

20 In other words, they would be privileged to
21 introduce legislation, to speak to it in committee, and to



1 speak to it on the floor, although they could not vote
2 either in committee or on the floor.

3 This legislation, or this proposal, might
4 be accomplished by legislation rather than by Constitu-
5 tional inclusion.

6 Nevertheless, I feel that it should be given
7 consideration on a Constitutional basis, and I would urge
8 its adoption.

9 THE CHAIRMAN: Delegate Della is the Vice
10 Chairman of the Committee. I have sent out to see if
11 he is nearby to find out if he wants to speak in opposi-
12 tion.

13 Delegate Gallagher.

14 DELEGATE GALLAGHER: I would say, Mr. Chairman,
15 that Delegates Hanson and Scanlan, who were usually
16 with the chairman in most matters, were very vociferous
17 against him with respect to this proposal, and either one
18 of them could do a decent job of trying to shoot this down.

19
20
21

1 THE CHAIRMAN: Delegate Scanlan, the Chair
2 would prefer to give Delegate Della, the Vice-Chairman
3 of the Committee, the first opportunity to speak.

4 DELEGATE DELLA: Do you desire to speak
5 in opposition to Amendment No. 12?

6 DELEGATE DELLA: Yes, Mr. Chairman, I do.

7 Mr. Chairman, This particular proposal was
8 presented to the Committee and by a 15 to 5 vote was re-
9 jected.

10 I find myself somewhat in the embarrassing
11 position as to be against small counties, but in reality,
12 I am not.

13 We have a legislative agent by this proposal
14 who has no voice and has no vote. I don't know who is
15 going to pay him, whether the county is going to pay him
16 or the State will pay him, or whether he will become a
17 candidate for that particular office, as a representative
18 of any given political subdivision.

19 Now, if we knew what county was to be denied a
20 representative by the vote, of course, it could be possible
21 where a delegate could represent a small county in a

1 senatorial district, but under these circumstances, we
2 don't know until the election returns are made whether
3 that county is without a legislative representative.

4 Now, who will appoint the representative agent
5 by this proposal? Will it be after the election, or will
6 the Governor appoint him? Will the Speaker of the House
7 or the President of the Senate? So, because of the late-
8 ness of his appointment, I believe the Committee voted
9 15 to 5 as being opposed to this particular proposal.

10 THE CHAIRMAN: Any other delegate desire to
11 speak in favor of the amendment? Delegate Ritter?

12 DELEGATE RITTER: Mr. Chairman, fellow delegates,
13 what the Vice-Chairman says is true, there will be no
14 way of knowing until the election is over who the delegate
15 is, but I am sure the legislature can make Enabling Acts
16 here to take care of those things, because in 1970
17 there will be many counties without a delegate; in 1980
18 there will be a few more, and it may be some of your
19 counties, and this is something that has been going on in the
20 Federal Government for a number of years, in the halls
21 of Congress. We don't say that it is the best, but we

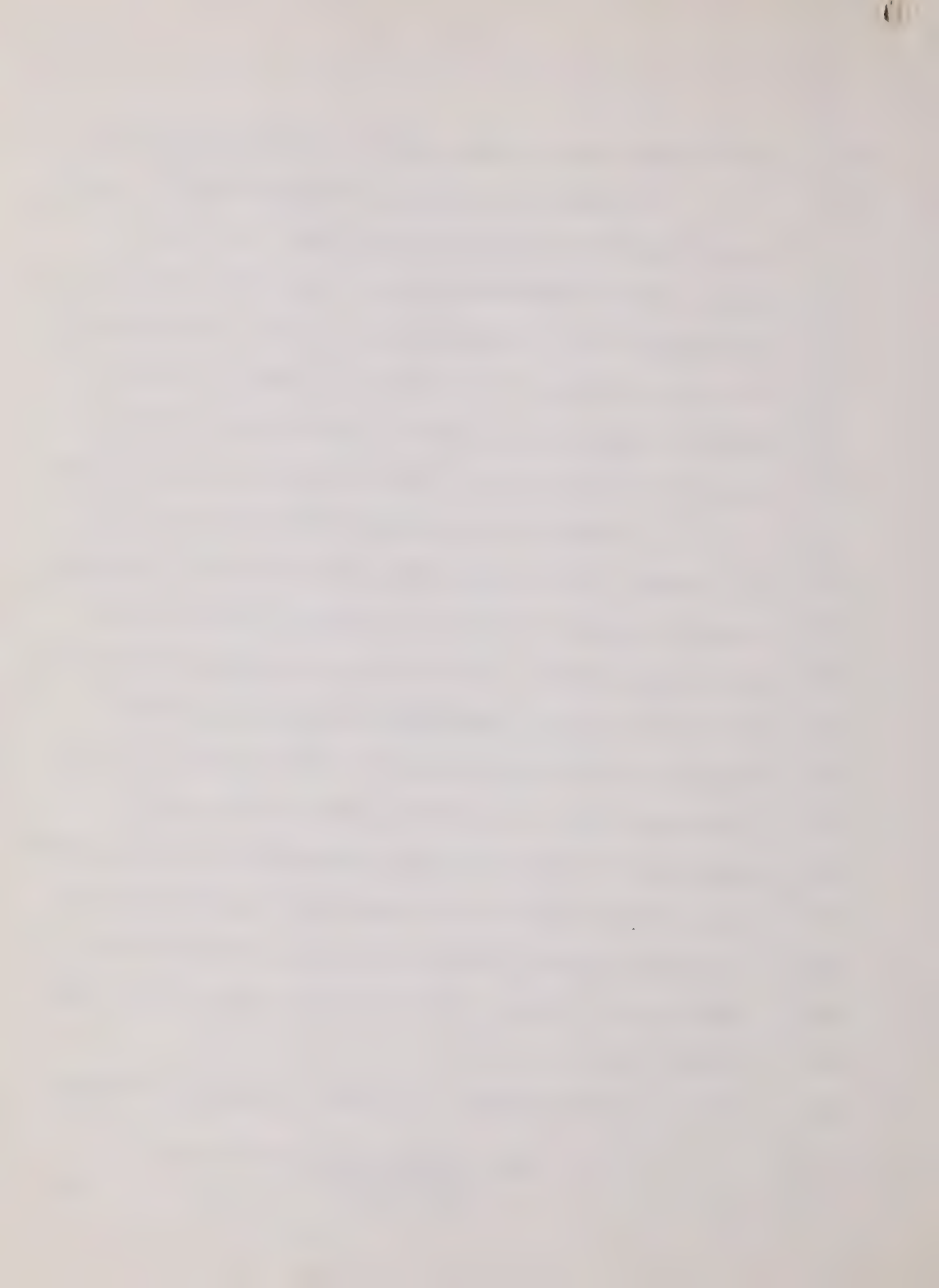


1 have already lost the best; so this is what we have left.

2 We feel that Alaska, and Hawaii and the Virgin
3 Islands have been represented this way, and as the
4 Chairman of the Committee said, he will have all of the
5 privileges of the legislature; so we assume that he would
6 be paid by the State, the same as any other legislator.
7 Somebody might say that this is representation without
8 taxation, but we are still paying taxes to those counties.

9 I now ask the delegates from Baltimore City,
10 as Delegate Sherbow asked those from the smaller counties,
11 though my county will not be completely obliterated by
12 the reapportionment, we will still have them, but there
13 will be some of our neighboring counties and some of
14 those are on the Eastern Shore, I ask now that the heavy
15 populated areas of this State give a little bit of con-
16 sideration to those areas that do not have a representative
17 here, and put somebody down here that can introduce this
18 local legislation, and look after them as they should be
19 looked after, because they are still a part of the State
20 of Maryland.

21 THE CHAIRMAN: The Chair recognizes Delegate



1 Scanlan to speak in opposition to the amendment.

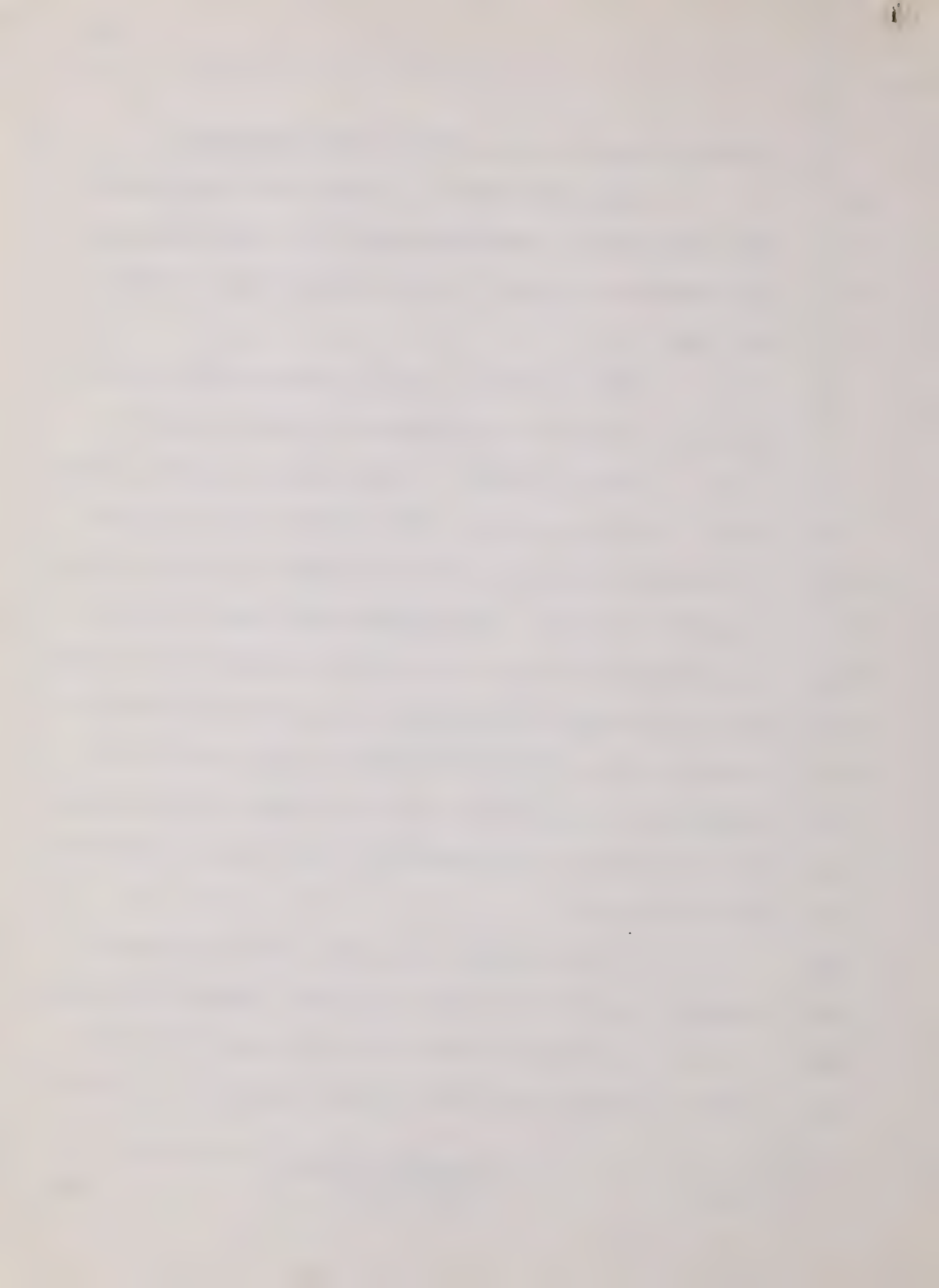
2 DELEGATE SCANLAN: I think the Vice-Chairman
3 Della has made the essential points and reflected further
4 the Committee's views. I won't add anything to what he
5 has said.

6 THE CHAIRMAN: Does any other delegate desire
7 to speak in favor of the amendment? Delegate Grant.

8 DELGATE GRANT: I would like to speak in favor
9 of it. The hour is late. The argument has been long.
10 I think you have heard everything that has to be said by
11 the small counties. We asked that the legislature be
12 big enough to give us a vote, the answer was No. We asked
13 the legislature would they give us a tenth of a vote; the
14 answer was No. We are asking merely, Will you let us
15 appear in the legislature for the purpose of introducing
16 our legislation, for testifying to you on the conditions
17 in our county?

18 THE CHAIRMAN: Any other delegate desire to
19 speak in opposition to the amendment? Delegate Neilson.

20 DELEGATE NEILSON: Mr. Chairman, I rise to
21 speak in opposition to the offered amendment, or proposal.



1 The question that comes to my mind, Mr. Ritter made a
2 statement, and I think the keyword was, someone to intro-
3 duce our local legislation. It was my impression that we
4 were going to have Home Rule in the counties, possibly to
5 take care of local legislation, and a county representa-
6 tive as such was not necessary. We need people to be
7 represented by the legislature. I speak in opposition
8 to the idea.

9 THE CHAIRMAN: Delegate Harkness, do you
10 desire to speak in favor of the amendment?

11 DELEGATE HARKNESS: Mr. President.

12 THE CHAIRMAN: To whom is your question addressed?

13 DELEGATE HARKNESS: I wish to speak in favor of
14 it.

15 THE CHAIRMAN: You may proceed.

16 DELEGATE HARKNESS: Mr. Chairman, I have sat
17 here now for two days as a delegate from the county in
18 which the first legislature of this State was ever held,
19 and sat here in a thorough spirit of frustration. As
20 Delegate Grant has told you, we asked for a vote. We asked
21 for a fractional vote, and for God's sake, don't deny us

1 the right to at least appear in this legislature. Now,
2 I realize this is a half a loaf, or a part of that
3 loaf, but any morsel or any part of the loaf would be
4 appreciated at this time.

5 THE CHAIRMAN: Does any other delegate desire
6 to speak in opposition? Delegate Fornos?

7 DELEGATE FORNOS: I wonder if the delegate from
8 Talbot County would yield for a question?

9 THE CHAIRMAN: Does Delegate Harkness yield
10 for a question?

11 DELEGATE HARKNESS: Yes, sir.

12 DELEGATE FORNOS: Do you suddenly have a whole
13 loaf alone for your county?

14 DELEGATE HARKNESS: No, we share a loaf with
15 Anne Arundel.

16 DELEGATE FORNOS: How many of those people come
17 from Anne Arundel County, and how many from Talbot?

18 DELEGATE HARKNESS: I couldn't tell you about
19 Anne Arundel. I would say the voting population specific-
20 ally.

21 DELEGATE FORNOS: The population of Calvert



1 County?

2 DELEGATE HARKNESS: A population, I would say,
3 of approximately 20,000.

4 DELEGATE FORNOS: So he represents 50,000 of
5 Anne Arundel County people also?

6 DELEGATE HARKNESS: I assume that is right, if
7 you say that is so.

8 DELEGATE FORNOS: Didn't the people of Anne
9 Arundel County elect an Anne Arundel Countian withthis
10 great majority, or did they vote onthe basis of ability
11 and recognize the ability of the minority leader from Tal-
12 bot and elect them as their State Senators?

13 DELEGATE HARKNESS: I couldn't answer that.

14 DELEGATE FORNOS: Did they elect a Talbot
15 Countian?

16 DELEGATE HARKNESS, we have at present one
17 delegate and a part-time Senator, a delegate which we will
18 lose.

19 DELEGATE FORNOS: That doesn't answer the ques-
20 tion. Could you answer the question, Did the people of
21 Anne Arundel County in concordance with the 20,000 people

1 from Talbot County elect a Senator from Talbot County?

2 DELEGATE HARKNESS: That is perfectly correct,
3 sir.

4 THE CHAIRMAN: Any other delegate desire to
5 speak in opposition to the amendment? Delegate Gilchrist.

6 DELEGATE GILCHRIST: Yes, sir.

7 THE CHAIRMAN: Do you desire to speak in opposi-
8 tion?

9 DELEGATE GILCHRIST: No, sir. I should like
10 to ask a question of the Vice-Chairman.

11 THE CHAIRMAN: Delegate Della, do you yield to
12 a question?

13 DELEGATE DELLA: I will always yield.

14 THE CHAIRMAN: Delegate Gilchrist.

15 DELEGATE GILCHRIST: Mr. Vice-Chairman, I won-
16 der if there is some way if this fails we could get a
17 permanent pass to the galleries. (Applause.)

18 THE CHAIRMAN: Delegate Della.

19 DELEGATE DELLA: I will assure the delegate from
20 Allegany County, I will assure him I will speak to the
21 presiding officer of each body to assure that he has the

1 privilege of coming here.

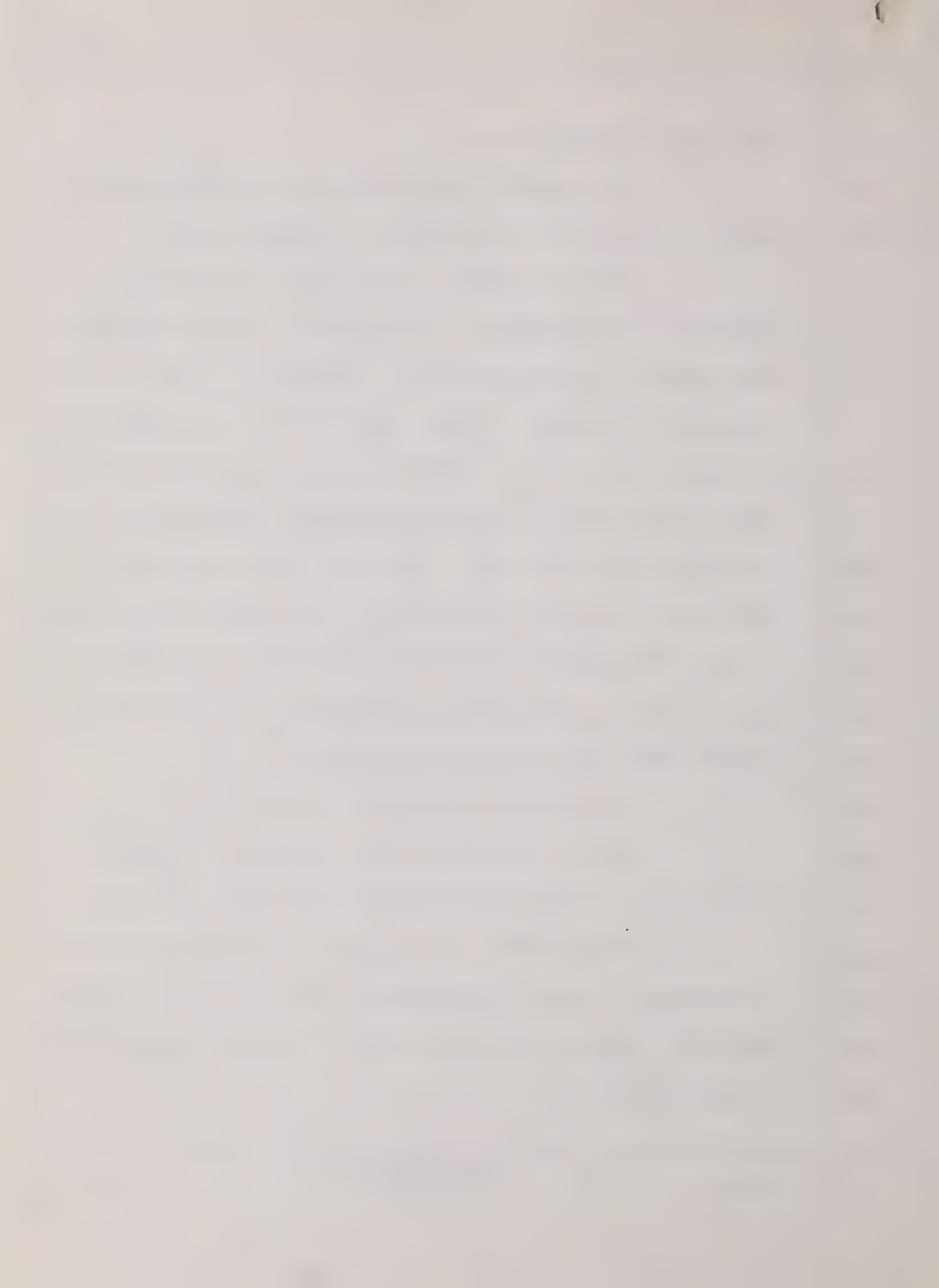
2 THE CHAIRMAN: Does any other delegate desire to
3 speak in favor of the amendment? Delegate Koger.

4 DELEGATE KOGER: I would like to speak in
5 support of the amendment. I believe it gives the counties
6 some degree of representation. I believe -- I don't think
7 anyone will be hurt. I can't see how the legislation will
8 be injured in any way. I believe that in this changeover
9 that we are making, I don't see how most people don't like
10 to walk in the dark, and I can really understand that
11 the people from this county would like to have some identity
12 or some relationship with this legislature. Therefore, I
13 think as long as the county is identified as to geography,
14 I think they should have representation.

15 THE CHAIRMAN: Delegate Mitchell.

16 DELEGATE MITCHELL: Mr. President, I would
17 like to ask a question of Delegate Gallagher, if I may.

18 THE CHAIRMAN: Let's give an opportunity first
19 to someone to speak in opposition, and then I will recog-
20 nize you. Does any delegate desire to speak in opposition?
21 Delegate Byrnes.



1 DELEGATE BYRNES: Mr. Chairman, I don't oppose
2 the principle, but I do suggest that as stated, it doesn't
3 say anything. There will be nothing in the Constitution
4 to provide for legislative acts, and I think this ques-
5 tion has been asked, if not answered. I would suggest to
6 those who oppose this amendment or vote for it that they
7 include some census to the effect that the General Assem-
8 bly may implement this provision by law. If you do
9 not include that, I think you have zeros. Thank you.

10 THE CHAIRMAN: Delegate Mitchell.

11 DELEGATE MITCHELL: I would like --

12 THE CHAIRMAN: Just a second. Delegate Gal-
13 lagher, would you yield for a question?

14 DELEGATE GALLAGHER: I would, sir.

15 THE CHAIRMAN: Delegate Mitchell.

16 DELEGATE MITCHELL: Delegate Gallagher, since
17 this is a very unusual proposal, could you tell us if
18 this has been tried by other States, and if it is in
19 their Constitutions, and what has been the effect of it?

20 THE CHAIRMAN: Delegate Gallagher.

21 DELEGATE GALLAGHER: Delegate Mitchell, as I

1 understand it, the legislative act is used in all,
2 but is not authorized by the Constitution, authorized by
3 legislation. I would say in furtherance, Mr. Chairman,
4 that this section is merely an authorization section and
5 that I would expect that the General Assembly would pro-
6 vide implementing legislation to cover the areas of the
7 question we heard earlier.

8 THE CHAIRMAN: Any other delegate desire to speak
9 in opposition to the amendment? Delegate Marion.

10 DELEGATE MARION: Mr. Chairman, I have a ques-
11 tion if I might, from Delegate Gallagher.

12 THE CHAIRMAN: We will find out if someone de-
13 sires to speak in opposition first. Delegate Hardwicke.

14 DELEGATE HARDWICKE: Mr. Chairman, I think that
15 Delegate Harkness probably put his finger on it when he
16 pointed out they hadn't gotten a loaf nor half a loaf.
17 This isn't any bread at all. This is just the wrapper, and
18 the trouble is that it could be just a little bit insult-
19 ing to these counties just to hand them the wrapper, no
20 bread; and consequently, it may be that they will have to
21 take care of their local problems through local legislation.

1 THE CHAIRMAN: Any other delegate desire to speak
2 in favor? Delegate Marion? Do you desire to ask a question?

3 DELEGATE MARION: Yes, of Delegate Gallagher.

4 THE CHAIRMAN: Delegate Gallagher, do you yield
5 for a question?

6 DELEGATE GALLAGHER: Yes.

7 DELEGATE MARION: We have been proceeding up to
8 now, have we not under the assumption that/each delegate in the
9 General Assembly will represent a specific number of
10 people, is that correct?

11 DELEGATE GALLAGHER: That is correct.

12 DELEGATE MARION: So if we were to adopt this in
13 addition to the delegate representing a certain number of
14 people, a portion of that group of people would have
15 not only a delegate, but a second voice; is that not true?

16 DELEGATE GALLAGHER: That is correct.

17 DELEGATE MARION: So, it is kind of a reverse
18 twist, is it not, on the fractional voting, instead of
19 one to one body, with less than a full vote, this is more
20 than one body, with one vote?

21 THE CHAIRMAN: Delegate Gallagher.

1 DELEGATE GALLAGHER: I contemplated that those
2 counties which did not find after an election that they
3 had a resident representative in the House of Delegates
4 and the General Assembly would feel that they should have
5 a county voice as such, and the purpose of this proposal
6 is not to add a vote, which we agreed we cannot do, but
7 to add a voice; and I think the voice is quite important
8 to the counties, and I would really rely upon their wishes
9 with respect to whether or not they would consider it
10 too little or even an insult, as has been suggested.

11 THE CHAIRMAN: Delegate Marion.

12 DELEGATE MARION: Under the language in the
13 amendment which I see before me, isn't it possible that
14 a county could be almost all of a legislative district, and
15 therefore not entitled to elect at least one delegate within
16 the boundaries of that county, and in fact, elect a dele-
17 gate who resides in that county, and then on top of that
18 be entitled under this to a non-voting delegate?

19 DELEGATE GALLAGHER: I do not so interpret it,
20 Delegate Marion. As I read it, it says any county which
21 is not entitled to at least one delegate elected completely

1 within the boundaries of the county -- now, if there is a
2 delegate from the county, then there is such a county
3 representative. If the county would not be entitled to
4 a legislative agent --

5 DELEGATE MARION: The question was --

6 THE CHAIRMAN: Delegate Marion, the Chair sug-
7 gests that you pursue the matter by debate rather than by
8 further questions to Delegate Gallagher.

9 DELEGATE MARION: Thank you, sir.

10 THE CHAIRMAN: Do you desire to speak in opposi-
11 tion?

12 DELEGATE MARION: No, sir.

13 THE CHAIRMAN: Any other delegate desire to
14 speak in opposition? Delegate Bamberger.

15 DELEGATE BAMBERGER: Mr. Chairman, I rise re-
16 luctantly to make a point which Delegate Marion made,
17 and which Delegate Fornos and Delegate Harkness made. This
18 provision says that a county "which is not entitled" it
19 does not say "which does not elect"; it says a county
20 "which is not entitled to have at least one delegate
21 elected within its boundaries shall" -- it does not say

1 "may" but "shall", and the effect of this can be that a
2 county, as Calvert County, which does not have the number
3 1/120th of the population of the State within its
4 borders, and therefore is not entitled to elect a delegate,
5 may in fact elect a delegate who is a resident of that
6 county, and would in addition be entitled to a half-baked
7 delegate, if I may say that, a non-voting delegate. Now,
8 that is obviously not fair to other counties which don't
9 quite fall into that category. I suggest that this is
10 unfair to the small counties, because what it offers the
11 neighboring county which shares their delegate district
12 with that small county, is the opportunity to say, Now,
13 look, we have got the votes over here, most of the votes
14 over here outside of our county. We are not really hurt-
15 ing you when we elect the delegate who lives over here
16 because you are going to get this non-voting delegate.

17 If there is sense in this, if there is merit
18 in having a voice for the smaller county, as I think there
19 is, I suggest it is solved best by the Alabama method.
20 Nothing prohibits the General Assembly from giving the
21 privilege of the Floor to anybody to whom it wishes to

1 extend that privilege.

2 I suggest that this is a matter to be referred
3 bythis Convention to the General Assembly, and that the
4 General Assembly may then more easily consider, after the
5 election, after you know where the delegates come from,
6 and if in that event they find that there are counties
7 who do not have a resident delegate, they may well consider
8 creating a position of a legislative agent and by some
9 process of election or appointment, giving the privilege
10 of the floor to someone from that "unrepresented county"
11 which is not in fact unrepresented, but which merely does
12 not have within its boundary a resident delegate.

13 THE CHAIRMAN: Any delegate desire to speak in
14 favor of the amendment? Delegate Gleason?

15 DELEGATE GLEASON: Mr. Chairman, I wonder if
16 I could address an inquiry to the Chairman of the Committee,
17 please?

18 THE CHAIRMAN: To Delegate Gallagher?

19 DELEGATE GLEASON: Yes.

20 THE CHAIRMAN: Delegate Gallagher, do you
21 yield to a question?

1 DELEGATE GALLAGHER: Yes.

2 THE CHAIRMAN: Delegate Gleason.

3 DELEGATE GLEASON: I wonder in order to clear up
4 the objection that has been raised here, and I think that
5 it is with some substance, whether the delegate wouldn't
6 accept an amendment to his proposal which in effect would
7 say as follows: The General Assembly shall provide by
8 law that any county which does not have elected at least
9 one delegate completely within its boundaries, shall
10 be entitled to a non-voting legislative agent in the House
11 of Delegates.

12 DELEGATE GALLAGHER: Yes, I would, and as a
13 matter of fact, there was an amendment prepared by
14 Delegates Ritter and Grant which reads as follows: The
15 General Assembly shall provide by law for each county
16 which does not have a delegate residing within its bound-
17 aries to be represented in the House of Delegates by a
18 legislative representative.

19 I certainly would urge, if it be the will of
20 those two delegates, that they submit this amendment as
21 a substitute for the one which you have before you, which
I think goes to answer Mr. Bamberger's objection.

1 THE CHAIRMAN: Has it been printed?

2 DELEGATE GALLAGHER: Yes. It is marked LB,
3 Mr. Chairman.

4 THE CHAIRMAN: Delegate Gallagher, I would suggest
5 to you that it would simplify our consideration of this
6 matter if it is agreeable to you and to Delegates
7 Ritter and Grant that you withdraw your amendment No. 12
8 and the Chair will recognize Delegates Ritter and Grant
9 to offer their amendment.

10 DELEGATE GALLAGHER: I do withdraw it,
11 Mr. Chairman, and I would presume, Mr. Gleason would be
12 agreeable.

13 DELEGATE GLEASON: Yes.

14 THE CHAIRMAN: Delegate Gallagher, with the
15 consent of his seconder, Delegate Gleason withdraws
16 Amendment No. 12. There is another amendment now before
17 you.

18 The Clerk will read the amendment. It will
19 be Amendment No. 13.

20 MR. QUILLEN: Amendment No. 13 to Committee
21 Recommendation No. LB-1 by Delegates Ritter and Grant.

1 On Page 2, Section 3.04 Composition of the
2 Legislature, Line 6, after the period insert the follow-
3 ing:

4 "The General Assembly shall provide by law
5 for each county which does not have a delegate residing
6 within its boundaries to be represented in the House of
7 Delegates by a legislative representative. Such legisla-
8 tive representative shall be entitled to all the rights
9 and privileges of a delegate except the right to vote."

1 THE CHAIRMAN: Does any other delegate desire
2 to speak in opposition to this amendment? Delegate B. Miller?

3 DELEGATE B. MILLER: Mr. Chairman, we discussed
4 this proposal in committee and we rejected it because we
5 felt that it did not arrive at the kind of legislative
6 responsibility that we were looking for. We previously
7 decided today that each House member would be representing
8 approximately 30,000 people.

9 If there is a legislative agent in part of the
10 area in which he represents, then he would feel less
11 responsible to represent those 30,000 people. He might
12 in fact be representing 20,000 people, and the 10,000 who
13 also have a legislative agent may find themselves then with
14 a voice, but again without a vote, because there will be
15 no accountability to the man who was elected, since he can
16 also turn around and say: You people have an agent, let
17 him do what he wants on the floor.

18 I think, again, also that the whole idea of a
19 legislative agent violates the principle which we were
20 trying to establish in this new kind of bicameral legislature
21 which we hoped would come out of this legislative package,



1 and that was that people would be represented, that their
2 interests would be represented, parochially or on the
3 other hand you might say in terms of representation, in one
4 house, and that in the other house they would be represented
5 in terms of a larger district.

6 It is for that reason that the committee
7 rejected this proposal, and I would urge that this committee
8 do likewise.

9 THE CHAIRMAN: Does any delegate desire to speak
10 in favor of the amendment?

11 Any other delegate desire -- Delegate Clagett?

12 DELEGATE CLAGETT: Mr. Chairman, I would like
13 to ask Delegate Grant if he would yield for a question.

14 DELEGATE GRANT: I will.

15 THE CHAIRMAN: Delegate Grant, do you yield for
16 a question?

17 DELEGATE GRANT: Yes.

18 THE CHAIRMAN: State your question, Delegate
19 Clagett.

20 DELEGATE CLAGETT: In order to gain one more
21 vote, would you substitute for the word "shall" the



1 word "may" in the first sentence?

2 DELEGATE GRANT: Yes.

3 THE CHAIRMAN: Delegate Grant?

4 DELEGATE GRANT: Yes.

5 THE CHAIRMAN: Delegate Ritter, do you accept the
6 modification?

7 DELEGATE RITTER: We will accept anything
8 at this point because we are not even sure we are going to get
9 past the gallery yet.

10 THE CHAIRMAN: Amendment No. 13 is modified to
11 change the word "shall" in line 4, to the word "may."
12 Does any other delegate desire to speak in favor of the
13 amendment?

14 Delegate Chabot?

15 DELEGATE CHABOT: I would like to ask if
16 Delegate Grant will yield for a question.

17 THE CHAIRMAN: Delegate Grant, do you yield for
18 a question?

19 DELEGATE GRANT: Yes.

20 THE CHAIRMAN: Proceed, Delegate Chabot.

21 DELEGATE CHABOT: My question relates to the

1 last sentence of Amendment No. 13. Do you mean by
2 this that a legislative representative may do everything,
3 except vote on the floor?

4 May he vote in committee, may he do any other
5 action that the General Assembly, may he vote on any other
6 action the General Assembly may take?

7 THE CHAIRMAN: Delegate Grant.

8 DELEGATE GRANT: It is not contemplated he would
9 have a vote either on the floor or in the committee.

10 The purpose of this is this:

11 There is a necessity for counties in this
12 state and there is a necessity for the state to deal with
13 counties as counties.

14 You have such matters as judicial, taxation and
15 other items which have to be taken up on a county basis.
16 This is to make available to the General Assembly on the
17 terms which they will prescribe the availability of a
18 person who can come in, bring in the necessary legislation,
19 give the testimony.

20 The purpose in having this in a constitutional
21 status is so that there will never be any challenge to

1 the legislation by the fact that this is not provided
2 in the constitution. How it will be provided, how it will
3 be implemented will be left to the wisdom of the General
4 Assembly, since the entire thrust of this amendment is to
5 assist the General Assembly in administering this state

6 THE CHAIRMAN: Any other debate?

7 Are you ready for the question?

8 The question arises on the adoption of the
9 amendment. A vote No is a vote against. Cast your vote.

10 Have all delegates voted?

11 Will the Doorkeeper see if there are any delegates
12 in the corridor? Does any delegate desire to change his
13 vote?

14 The Clerk will record the vote.

15 There being 59 votes in the affirma-
16 tive, the amendment is lost.

17 Are there any further amendments to Section
18 304?

19 Delegate Byrnes.

20 DELEGATE BYRNES: Mr. Chairman, I have
21 an amendment designated as "S" which does not deal with it.

1 It would be a sentence added to the end of 304.

2 THE CHAIRMAN: Is the amendment presented?

3 DELEGATE BYRNES: It should be.

4 THE CHAIRMAN: The pages will distribute the
5 amendment.

6 It will be designated as Amendment No. 14 to
7 Committee Recommendation No. LB-1. The Clerk will read
8 the amendment.

9 MR. QUILLEN: Amendment No. 14 to Committee
10 Recommendation No. LB-1, by Delegate Byrnes. On page 2,
11 in Section 3.04 Composition of the Legislature of Committee
12 Recommendation No. LB-1, after the period in line 6 add
13 the following:

14 "To the extent practicable, senate district
15 boundaries shall cross county or Baltimore City political
16 boundaries so as to contain delegate districts from different
17 counties."

18 THE CHAIRMAN: Is there a second to the amend-
19 ment?

20 Is there a second to the amendment?

21 Is there a second to the amendment?

Did the Chair hear a second to the amendment?

1 If any delegate seconds the amendment, will he
2 please stand up and use the microphone and say so?

3 DELEGATE BURDETTE: I second the amendment.

4 THE CHAIRMAN: Delegate Burdette seconds the
5 amendment. The Chair recognizes Delegate Byrnes to
6 speak to the amendment.

7 DELEGATE BYRNES: Mr. Chairman, this is one answer
8 I think to the problem that I think we may have created.

9 Time will tell, by our apparent judgment to create
10 single-member districts.

11 There is a need for the development of sound
12 political authority with metropolitan regional perspective in
13 this state.

14 The day is far away when regional governments
15 will be accepted by the people. This is assuming their
16 value as a solution to this growing problem.

17 It is entirely possible that regional government
18 will never be established, and that at best will we be
19 forced to suffer a welter of authorities, commissions
20 and the like, with different metropolitan responsibilities.

21 Maryland is a small state, Mr. Chairman,

1 and the metropolitan region, the populations already
2 form a great area of the state.

3 Maryland is also uniquely situated geographically.
4 The day will soon be upon us when a great portion of
5 Maryland is a small portion of the Eastern megalopolis.
6 In short, many of Maryland's regional inter-governemntal
7 relations and problems lend themselves to state level
8 solutions. It is possible some day that the Senate will
9 assume a limited or full role as the legislature responsible
10 for regional and inter-governmental problem-solving, making
11 necessary new additional layers of government or authorities
12 of taxing power.

13 To add thrust to this movement, this amendment
14 is offered. It would at least place in our state legis-
15 lature persons who by political necessity must adopt a
16 regional metropolitan perspective, leaving the House
17 of Delegates to continue the needed county, city, local
18 perspective in state problem-solving.

19 It would also begin the long educational process
20 by which the people of this state will come to appreciate
21 that the problems of our day have torn asunder the

1 geopolitical fabric we have known for so long, and that
2 it must be rewoven.

3 This convention must look to this problem of
4 intergovernmental relations, and regional development
5 patterns, and it must take some positive steps in reaction
6 to them.

7 This amendment, Mr. Chairman, is a very tiny step
8 now that will permit great strides at some future time.

9 Thank you.

10 THE CHAIRMAN: Does any delegate desire to speak
11 in opposition?

12 Delegate Gallagher?

13 DELEGATE GALLAGHER: Mr. Chairman and ladies
14 and gentlemen, I believe that the subject matter of this
15 amendment really belongs more properly in Section 3.02,
16 which has not as yet been reported upon by the Committee
17 on the Legislative Branch. This really addresses itself
18 to the question of redistricting, and I would suggest to
19 Delegate Byrnes that he consider withdrawing the
20 amendment and offering it at the time we do come into
21 a Section 302, redistricting, where it can be debated more

1 intelligently. I ask if he would consider that.

2 THE CHAIRMAN: Delegate Byrnes?

3 DELEGATE BYRNES: I do, and I do.

4 THE CHAIRMAN: Amendment NO. 14 is withdrawn?

5 DELEGATE BYRNES: The amendment is withdrawn.

6 THE CHAIRMAN: Amendment No. 14 is withdrawn.

7 The Chair requests that all delegates remain
8 in the chamber. I hope that we can adjourn in a very
9 few minutes, but it is imperative that all delegates remain
10 in the chamber.

11 Is there any further amendment to Section 3.04?
12 If not, we will move to Section 3.05.

13 The Chair intends to recognize Delegate Hopkins
14 for presentation of the minority report, and then immedi-
15 ately recognize Delegate Powers so that the committee
16 may rise.

17 The Chair recognizes Delegate Hopkins.

18 DELEGATE HOPKINS: Do you mean for me to explain
19 this or merely present it?

20 THE CHAIRMAN: You do not have to do anything
21 for the moment. You have the floor. Before recognizing

1 the Chairman of the Committee on Calendar and Agenda,
2 the Chair feels impelled to call to the attention of the
3 delegates that we have spent a great deal of time today
4 in debate and in fruitful debate, but we have fallen into
5 the habit of not violating, but not observing the
6 true spirit of the rule, that in the Committee of the
7 Whole a delegate may speak more than once.

8 There have been delegates who have spoken not once
9 or twice, but many times. In addition, we have spent a
10 great deal of time on amendments because there have been
11 numerous speeches.

12 The Chair will ask the committee on Calendar
13 and Agenda if this practice continues to give consideration
14 to submitting to the entire convention a debate schedule
15 which will either limit the number of times a delegate can
16 speak in the Committee of the Whole, or limit the amount
17 of time that can be given to consideration of an amendment.

18 The Chair now recognizes Delegate Powers.

19 DELEGATE POWERS: Mr. Chairman, I move the Committee
20 of the Whole rise and report to the Convention that
21 we have not yet concluded our consideration of Committee

1 Recommendation No. LB-1, and will proceed further with this
2 at a later date.

3 THE CHAIRMAN: Is there a second?

4 (Whereupon, the motion was seconded)

5 THE CHAIRMAN: All in favor signify by
6 saying Aye; contrary, No.

7 The ayes have it; it is so ordered.

8 (The mace was replaced by the Sergeant at Arms.)

9 (Whereupon, at 5:55 p.m., the Committee of
10 the Whole rose, and the Convention reconvened.)

11 THE PRESIDENT: The Convention will now come
12 to order.

13 Onbehalf of the Committee of the Whole the
14 Chair reports that the Committee of the Whole has had
15 under consideration Committee Recommendation LB-1 and
16 still has that matter under consideration, and desires
17 leave to sit again.

18 The Chair has no announcements. Do any
19 committee chairmen have announcements?

20 Delegate Kiefer?

21 DELEGATE KIEFER: Mr. President, ladies and

1 gentlemen of this Convention, I just cannot let this day
2 end without commending the President on his patience,
3 his fair play, his calmness, equanimity and believe me it must
4 have been a long and difficult day for him.

5 I certainly commend him and thank him for his
6 patience. (Applause)

7 THE PRESIDENT: Thank you very much.

8 Any other announcements by committee chairmen?

9 Delegate Scanlan?

10 DELEGATE SCANLAN: In connection with the Chair's
11 remarks about limitation on debate, the result that I for
12 one would like to see, you did mention the possibility
13 the the Committee on Calendar might consider a limitation
14 on the times a delegate could speak in the Committee of
15 the Whole. I point out to you, sir, that Rule 36 now
16 permits a delegate to speak more than once, and if there
17 is to be a change there would have to be a change through
18 an amendment to the rule, so if this thought is developing,
19 I hope it develops quickly and an appropriate resolution
20 is presented to this Convention to that effect, if that
21 is the desire, as promptly as possible so our committee

1 can report back to the Convention as promptly as possible .

2 THE PRESIDENT: The Chair does not intend to refer
3 any further matters to the Committee on Rules if it can
4 be possibly avoided, because they have today gone to the
5 printer.

6 Any other committee chairmen desire to make an
7 announcement?

8 Delegate Boyer?

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1 DELEGATE BOYER: Mr. President, before
2 I make an announcement about the next meeting of the
3 General Provisions Committee, I think it would be
4 appropriate, and I am entirely sincere, that this Conven-
5 tion also extend the greatest sincerity and
6 appreciation to the Chairman of the Committee on the Legis-
7 lative Branch for the extremely well done work and
8 praise -- well, he just did a good job, Mr. President, and
9 I think we should extend our congratulations to him.

10 THE PRESIDENT: I think so. (Applause.)

11 Although Delegate Boyer speaks in the past
12 tense, we are still looking for Delegate Gallagher to
13 continue to do good work since he is still at bat.
14 Delegate Boyer.

15 DELEGATE BOYER: I was afraid of that, sir.

16 Mr. President, the Committee on General Pro-
17 visions will meet again this evening at eight o'clock in
18 our headquarters.

19 THE PRESIDENT: Any other announcements by
20 Committee Chairmen?

21 Delegate Penniman.

1 DELEGATE PENNIMAN: Mr. President, the
2 Committee on Style will meet this evening at 8:00.
3 We will schedule another one for immediately after the
4 session tomorrow afternoon.

5 THE PRESIDENT: Any other announcements?
6 Delegate Morgan.

7 DELEGATE MORGAN: Mr. President, the Committee
8 on the Executive Branch will hold a brief meeting tomorrow
9 morning at 9:30.

10 THE PRESIDENT: Delegate Powers, not for the
11 purpose of moving adjournment, but to make an announcement.

12 DELEGATE POWERS: Mr. President, the Committee
13 on Calendar and Agenda will meet tomorrow morning to
14 consider a matter on which we are receiving more and
15 more pressure from the delegates as the debate goes on.

16 THE PRESIDENT: Delegate Grant, do you have an
17 announcement to make?

18 I am sorry -- Delegate White, do you have an
19 announcement to make?

20 DELEGATE WHITE: Mr. President, I wish to add
21 my expression to the statements that were made by Delegate

1 Kiefer of the manner of calmness with which you have
2 been possessed in this long day, and also to anticipate
3 that for the first time today that regardless of
4 some of the problems we had, that we were able to vote on
5 certain issues in the majority, regardless of the
6 incessant questions that were raised.

7 I think this Convention is to be complimented.

8 THE PRESIDENT: Thank you, Delegate White.

9 Any further announcements by other delegates?

10 Delegate Boyles.

11 DELEGATE BOYLES: I would like to make my
12 presence noted.

13 THE PRESIDENT: Any other delegates absent at
14 roll call that desire to indicate their presence? (No
15 response.)

16 Delegate Hardwicke.

17 DELEGATE HARDWICKE: Not for that purpose, Mr.
18 President, but a point of inquiry: Am I correct in assum-
19 ing that you intend to follow roughly the same schedule
20 that we did today, 10:00 and 2:00 sessions for the
21 meeting of the Committee of the Whole?

1 THE PRESIDENT: Yes. We would hope to main-
2 tain a schedule of operating from 10:00 to about
3 6:00, with a break for lunch at 12:30 to 2:00, as nearly
4 as we can.

5 Delegate Storm.

6 DELEGATE STORM: Mr. President, I would like
7 to note, if it is in order, that Delegate Sybert was here
8 all afternoon. His presence was not noted at the roll
9 call, but he just had to leave to go to a bar meeting.

10 THE PRESIDENT: The Chair will note that he
11 saw Delegate Sybert present throughout most of the after-
12 noon.

13 DELEGATE STORM: That was a bar association
14 meeting.

15 THE PRESIDENT: Any further announcements?

16 The Chair will recognize Delegate Powers.

17 DELEGATE POWERS: Mr. Chairman, I move we adjourn
18 until 10:00 tomorrow morning.

19 THE PRESIDENT: All in favor, signify by
20 saying Aye; contrary, No. The Ayes have it. It is so
21 ordered.

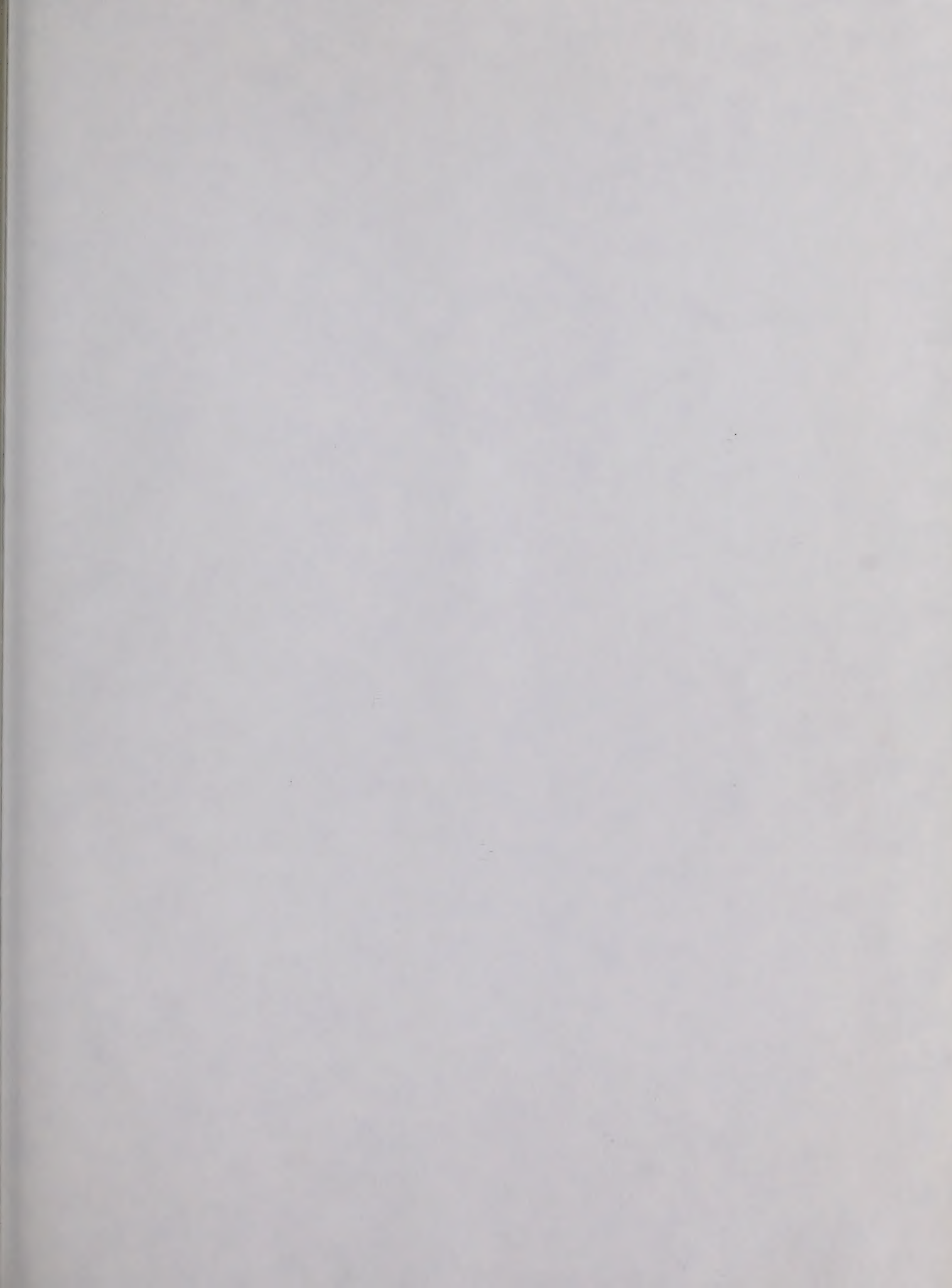
(Whereupon, at 6:00 p.m. the Convention was
adjourned, to reconvene at 10:00 a.m. of the following day.)

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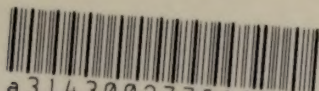
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